

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 MELISSA KAYE,

5 Plaintiff,

CV #

19-12137 (JPO)

6 -against-

7 NEW YORK CITY HEALTH AND HOSPITALS
8 CORPORATION; ELIZABETH FORD; PATRICIA
9 YANG; ABHISHEK JAIN and JONATHAN WANGEL
(said names being fictitious, the
persons intended being those who aided
and abetted the unlawful conduct of
the named Defendants),

11 Defendants.

12 -----X

14 1250 Broadway
New York, New York

16 February 28, 2018
10:11 A.M.

18 EXAMINATION BEFORE TRIAL of PATRICIA

19 YANG, one of the Defendants herein, taken by the
20 Plaintiff, pursuant to Federal Rules of Civil
21 Procedure, and Order, held at the above-mentioned
22 time and place before Courtney Biondo, a Notary
23 Public of the State of New York.
24
25

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 LAW OFFICES OF SPECIAL HAGAN Attorneys for Plaintiff 5 196-04 Hollis Avenue St. Albans, New York 11412 6 BY: SPECIAL HAGAN, ESQ. 7 8 9 NEW YORK CITY LAW DEPARTMENT OFFICE OF THE CORPORATION COUNSEL 10 Attorneys for Defendants 100 Church Street 11 New York, New York 10007 12 BY: DONNA A. CANFIELD, ESQ. Senior Counsel 13 Labor and Employment Law Division 14 15 ALSO PRESENT: 16 Blanche Greenfield, Esq. 17 Deputy Counsel/Chief Employment Counsel NYC Health and Hospitals 18 19 20 21 22 * * * 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Patricia Yang 2 PATRICIA YANG, after first 3 having been duly sworn by a Notary Public of the 4 State of New York, was examined and testified as 5 follows: 6 MS. HAGAN: Good morning. 7 THE WITNESS: Good morning. 8 MS. HAGAN: I'm trying to figure out 9 what I should call you. Should I be calling 10 you Dr. Yang -- 11 THE WITNESS: That's it. 12 MS. HAGAN: -- or Patsy or -- 13 THE WITNESS: That's better, if that's 14 okay. 15 MS. HAGAN: Okay. Sure. 16 My name is Special Hagan, and I'm here 17 on behalf of Dr. Kaye. 18 EXAMINATION BY 19 MS. HAGAN: 20 Q Would you state your name for the record? 21 A Patricia Yang. 22 Q What is your current address? 23 A My business address is 55 Water Street, 24 New York, New York 10041. 25 Q I'm sure you are aware or at least have</p>
<p style="text-align: right;">Page 3</p> <p>1 2 IT IS HEREBY STIPULATED AND AGREED by 3 and among counsel for the respective parties hereto, 4 that the sealing and certification of the within 5 deposition shall be and the same are hereby waived; 6 IT IS FURTHER STIPULATED AND AGREED that 7 all objections, except to the form of the question, 8 shall be reserved to the time of trial; 9 IT IS FURTHER STIPULATED AND AGREED that 10 the within deposition may be signed before any 11 Notary Public with the same force and effect as if 12 signed and sworn before the Court. 13 14 15 16 17 18 19 * * * 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 Patricia Yang 2 been, I guess, briefed as to why you are here today. 3 Right? 4 A Yes. 5 Q Did you review any documents before you 6 came in today? 7 A No. 8 Q Have you seen the Amended Complaint, by 9 any chance? 10 A I believe I have. 11 MS. HAGAN: Okay. I am going to show 12 you what would be marked as Exhibit 1. 13 (Whereupon, a discussion was held off 14 the record.) 15 (A First Amended Complaint, Bates 16 stamped KAYE000415 through KAYE000446, was 17 received and marked Plaintiff's Exhibit 1 18 for identification at this time.) 19 THE WITNESS: Yes. This looks familiar, 20 yes. 21 Q So when did you see that document? 22 A When Miss Greenfield sent it over. I 23 think when it was served to the system, which is the 24 Office of Legal Affairs, who shared it with us. 25 Q Okay. So testified earlier it was OLA.</p>

<p style="text-align: right;">Page 6</p> <p>1 Patricia Yang</p> <p>2 OLA is Legal Affairs --</p> <p>3 A Yes.</p> <p>4 Q -- Office of Legal Affairs?</p> <p>5 A Office of Legal Affairs.</p> <p>6 Q And by any chance, have you been deposed</p> <p>7 before?</p> <p>8 A Yes.</p> <p>9 Q And when have you been deposed? When</p> <p>10 were you deposed?</p> <p>11 A I can't remember precisely. In various</p> <p>12 points in my professional life.</p> <p>13 Q This year, when was the last time you</p> <p>14 were deposed?</p> <p>15 A Not this year.</p> <p>16 Q In 2019?</p> <p>17 A No.</p> <p>18 Q You weren't deposed at all?</p> <p>19 A Not that I can recall.</p> <p>20 Q Have you been personally sued before?</p> <p>21 A Other than a domestic for divorce.</p> <p>22 Q Divorce?</p> <p>23 A If that is considered suing.</p> <p>24 Q When was that? Well, you were in</p> <p>25 litigation for that, so when was that?</p>	<p style="text-align: right;">Page 8</p> <p>1 Patricia Yang</p> <p>2 A Thank you.</p> <p>3 Q Now, there may come a time that you might</p> <p>4 want to take a break during the course of the</p> <p>5 deposition. So if, in fact, you do need to take a</p> <p>6 break, feel free to do so, but before you take the</p> <p>7 break, if there is a pending question, I am going to</p> <p>8 expect you or hope that you answer that first. Is</p> <p>9 that clear?</p> <p>10 A Yes.</p> <p>11 Q Okay. Now, in the last twenty-four</p> <p>12 hours, have you had any alcohol or anything like</p> <p>13 that?</p> <p>14 A No.</p> <p>15 Q Have you had any medication or any --</p> <p>16 A No.</p> <p>17 Q So you haven't ingested anything that</p> <p>18 would impair your ability to answer truthfully and</p> <p>19 completely today, right?</p> <p>20 A Correct.</p> <p>21 Q And you know, there is going to be times</p> <p>22 when you are not going to be sure about the exact</p> <p>23 date of when things happened, so I am going to ask</p> <p>24 you to try to estimate.</p> <p>25 I may ask you questions to kind of get an</p>
<p style="text-align: right;">Page 7</p> <p>1 Patricia Yang</p> <p>2 A It was resolved in 2011.</p> <p>3 Q And so you have an idea as to how</p> <p>4 depositions go; is that right?</p> <p>5 A Yes.</p> <p>6 Q So you know that the testimony is given</p> <p>7 and you are sworn to tell the truth?</p> <p>8 A I do.</p> <p>9 Q And you understand that only one of us</p> <p>10 can speak at a time, right?</p> <p>11 A Yes.</p> <p>12 Q So during the course of the deposition,</p> <p>13 because the stenographer can only take verbal</p> <p>14 responses, you have to make sure that you either say</p> <p>15 yes or no. So gestures are not good because the</p> <p>16 stenographer can't capture that in writing. Is that</p> <p>17 clear?</p> <p>18 A Understood.</p> <p>19 Q And if by any chance you don't understand</p> <p>20 my question, feel free to ask me to repeat it,</p> <p>21 because if you don't, I am going to assume that you</p> <p>22 understood it. Is that clear?</p> <p>23 A Yes, it is.</p> <p>24 Q If you need me to slow down even, feel</p> <p>25 free to ask me.</p>	<p style="text-align: right;">Page 9</p> <p>1 Patricia Yang</p> <p>2 estimate or try to get your recollection as to when</p> <p>3 things happened. So it is better that you say that</p> <p>4 you are not sure about the exact date, but I am</p> <p>5 going to expect you to answer truthfully, whether or</p> <p>6 not, you know, you remember precisely. Is that</p> <p>7 clear?</p> <p>8 A Yes.</p> <p>9 Q Now, you said that you read the</p> <p>10 deposition. When was the last time you looked --</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 MS. HAGAN: I'm sorry.</p> <p>13 Q You said that you read the Amended</p> <p>14 Complaint. When was the last time you read the</p> <p>15 Complaint?</p> <p>16 A It was when we were told that this was</p> <p>17 moving forward.</p> <p>18 Q What do you mean "this"?</p> <p>19 A That I was going to be deposed.</p> <p>20 Q Okay. When was that?</p> <p>21 A I don't recall. It was sometime last</p> <p>22 year.</p> <p>23 Q Okay. And --</p> <p>24 A Or this year. I don't recall.</p> <p>25 Q You are not sure?</p>

<p style="text-align: right;">Page 10</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q Now, what is your current title at Health</p> <p>4 and Hospitals?</p> <p>5 A Senior vice president.</p> <p>6 Q Senior vice president. And what is your</p> <p>7 highest level of education?</p> <p>8 A Doctorate.</p> <p>9 Q Where is that from?</p> <p>10 A Columbia.</p> <p>11 Q When did you get that?</p> <p>12 A 2005, it was awarded with distinction.</p> <p>13 Q What was it in?</p> <p>14 A Public health policy.</p> <p>15 Q I am assuming you have a master's. What</p> <p>16 was that in?</p> <p>17 A Also in public health.</p> <p>18 Q And your bachelor's?</p> <p>19 A From Brown University in semiotics?</p> <p>20 Q What is that?</p> <p>21 A It is the study of signs and symbols. It</p> <p>22 is linguistics, philosophy. It is a type of</p> <p>23 communication.</p> <p>24 Q Howl did you get from semiotics to public</p> <p>25 health?</p>	<p style="text-align: right;">Page 12</p> <p>1 Patricia Yang</p> <p>2 Q In what capacity did you work?</p> <p>3 A Various. I started out as a analyst in</p> <p>4 central office, and eventually worked my way up to</p> <p>5 being an Associate Executive Director at</p> <p>6 Metropolitan Hospital.</p> <p>7 Q Associate --</p> <p>8 A Executive Director.</p> <p>9 Q So we are going to go through some of</p> <p>10 your positions or all of your positions at H and H.</p> <p>11 So you said you were an analyst at the</p> <p>12 central office, right?</p> <p>13 A Yes.</p> <p>14 Q That's in 1981, right?</p> <p>15 A I think I -- I believe I started in 1980.</p> <p>16 I finished the master's program, but I didn't have</p> <p>17 the degree itself because of the Columbia timing.</p> <p>18 Q So from 1980 until when were you an</p> <p>19 analyst?</p> <p>20 A I was an analyst and a senior analyst and</p> <p>21 some other Civil Service title until 1983.</p> <p>22 Q Okay. And then in 1983, what was your</p> <p>23 next position?</p> <p>24 A I don't recall the exact title, but it</p> <p>25 was at Metropolitan Hospital. I think I came over</p>
<p style="text-align: right;">Page 11</p> <p>1 Patricia Yang</p> <p>2 A Semiotics. So the question of how I get</p> <p>3 to semiotics is probably more germane.</p> <p>4 I was in the accelerated medical</p> <p>5 education program at Brown University, which, in</p> <p>6 seven years, you earn an MD.</p> <p>7 When I made the decision to drop that</p> <p>8 program in the last year, I moved to semiotics,</p> <p>9 which seemed to be -- all of my electives seemed to</p> <p>10 work with that, and that's what I ended up with.</p> <p>11 But the love for health issues has always been</p> <p>12 there.</p> <p>13 Q I am assuming there was a gap between</p> <p>14 your master's and doctorate as, far as --</p> <p>15 A Yes.</p> <p>16 Q -- when you pursued one versus the other?</p> <p>17 A Yes.</p> <p>18 Q When did you get your master's?</p> <p>19 A When?</p> <p>20 Q Yes. What year?</p> <p>21 A I finished in 1980, but it was awarded in</p> <p>22 January of '81.</p> <p>23 Q I am assuming you worked once you got</p> <p>24 your master's. Where did you work?</p> <p>25 A At New York City Health and Hospitals.</p>	<p style="text-align: right;">Page 13</p> <p>1 Patricia Yang</p> <p>2 as a senior something.</p> <p>3 Q Okay.</p> <p>4 A And was promoted to an Associate</p> <p>5 Executive Director.</p> <p>6 Q This is in '83? When were you promoted</p> <p>7 to an Associate Executive Director, when?</p> <p>8 A Probably around '83.</p> <p>9 Q And then after that, what was your next</p> <p>10 position?</p> <p>11 A In '86 I went to Miami. '86 to '87, I</p> <p>12 was the Director of Planning at Mount Sinai of Miami</p> <p>13 Bhish.</p> <p>14 Q Is this a hospital, as well?</p> <p>15 A Yes.</p> <p>16 Q Okay. From 1986 to 1987, then what was</p> <p>17 your next job after that?</p> <p>18 A I came back to New York City in '87 to</p> <p>19 '88 as an Associate Executive Director at Bellevue</p> <p>20 Hospital Center?</p> <p>21 Q Associate Executive Director?</p> <p>22 A Yes.</p> <p>23 Q Of what?</p> <p>24 A I don't remember the exact title, but it</p> <p>25 was ambulatory care, the emergency department,</p>

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<p style="text-align: right;">Page 14</p> <p>1 Patricia Yang</p> <p>2 affiliate services, ancillary services, materials</p> <p>3 management, the HIV unit, victim services. It was a</p> <p>4 pretty broad profile.</p> <p>5 Q And then after this position, the</p> <p>6 Bellevue Associate Executive Director position, what</p> <p>7 was your position after that?</p> <p>8 A I went to the New York City Department of</p> <p>9 Health.</p> <p>10 Q And this is in 1988?</p> <p>11 A Yes.</p> <p>12 Q Okay. And how long were you at the</p> <p>13 Department of Health?</p> <p>14 A I was there for about a year.</p> <p>15 Q What was your position at the Department</p> <p>16 of Health?</p> <p>17 A It was a Senior Assistant Commissioner.</p> <p>18 Q Of exactly what?</p> <p>19 A It was called Family Health Services, I</p> <p>20 think, at that point in time.</p> <p>21 Q And how did you did you get that job,</p> <p>22 Patsy?</p> <p>23 A Please, call me anything that makes you</p> <p>24 feel comfortable, but I am all right with Patsy.</p> <p>25 How did I get that job? The then Deputy</p>	<p style="text-align: right;">Page 16</p> <p>1 Patricia Yang</p> <p>2 1990 until what?</p> <p>3 A 2010.</p> <p>4 Q 2010. And then you came back to the City</p> <p>5 of New York?</p> <p>6 A Yes.</p> <p>7 Q Now, did you go to H and H or somewhere</p> <p>8 else?</p> <p>9 A I came to back to the City, to the New</p> <p>10 York City Department of Health and Mental Hygiene.</p> <p>11 It was now a merged department.</p> <p>12 Q And what Commissioner was there at that</p> <p>13 time?</p> <p>14 A Dr. Thomas Farley.</p> <p>15 Q And how did you get that position?</p> <p>16 A How did I get that position? In my</p> <p>17 capacity as Acting Commissioner or First Deputy</p> <p>18 Commissioner of Westchester, I did a lot of work at</p> <p>19 a state level, and I was also president of an</p> <p>20 association of New York health departments. So I</p> <p>21 did work a lot with the City, as well as all of the</p> <p>22 other counties in the State of New York. So he had</p> <p>23 an opening and asked me to consider applying.</p> <p>24 Q This is Dr. Farley?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 15</p> <p>1 Patricia Yang</p> <p>2 Commissioner was someone who I knew from my earliest</p> <p>3 central office days in Health and Hospitals?</p> <p>4 Q Who is the Deputy Commissioner that you</p> <p>5 knew?</p> <p>6 A Dr. Mark Rappaport.</p> <p>7 Q Dr. Mark Rappaport. Okay.</p> <p>8 Then after you were at the Department of</p> <p>9 Health, where did you go?</p> <p>10 A To Westchester County Department of</p> <p>11 Health.</p> <p>12 Q When was that? That was in 1989, right?</p> <p>13 A 19 -- more '90.</p> <p>14 Q What was your position there?</p> <p>15 A I was the First Deputy Commissioner of</p> <p>16 Health and occasionally Acting Commissioner of</p> <p>17 Health for two or three stints in between</p> <p>18 commissioners.</p> <p>19 Q And how many people would you say you</p> <p>20 supervised at that point?</p> <p>21 A Oh, gosh. I mean, the department itself</p> <p>22 in Westchester was several hundred people, but I</p> <p>23 have always tried to keep to the rule of no more</p> <p>24 than eight direct reports, if that helps.</p> <p>25 Q Okay. Then you were at Westchester from</p>	<p style="text-align: right;">Page 17</p> <p>1 Patricia Yang</p> <p>2 Q So he reached out to you from while you</p> <p>3 were at Westchester and asked you to apply?</p> <p>4 A He didn't directly, but his Chief</p> <p>5 Operating Officer did.</p> <p>6 Q Who was that?</p> <p>7 A Andrew Rein, R-E-I-N.</p> <p>8 Q Now, at this time, what was your title at</p> <p>9 Westchester?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 Go ahead.</p> <p>12 Q In 2010, when you were at the Department</p> <p>13 of Health and Mental Hygiene, what was your title?</p> <p>14 A Executive Deputy Commissioner.</p> <p>15 Q And what were you Executive Deputy</p> <p>16 Commissioner of exactly?</p> <p>17 A Actually, when I first came to DOHMH, it</p> <p>18 was Deputy Commissioner for Administration, but</p> <p>19 within a few months, I was Executive Deputy</p> <p>20 Commissioner, because Mr. Rein left.</p> <p>21 Q Okay. So then how long were you -- so</p> <p>22 Mr. Rein left. So I am assuming that your title</p> <p>23 changed to what, exactly?</p> <p>24 A Executive Deputy Commissioner.</p> <p>25 Q Okay. It wasn't Executive Deputy</p>

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<p style="text-align: right;">Page 18</p> <p>1 Patricia Yang</p> <p>2 Commissioner -- so you dropped the administration</p> <p>3 altogether?</p> <p>4 A Correct. Well, it folded under me.</p> <p>5 Q Okay. Then what was your next position</p> <p>6 after that?</p> <p>7 A I was there until -- I was at the City</p> <p>8 Health Department from March 15th, 2010 until May</p> <p>9 4th of 2014. Cinco de Mayo, I started at City Hall.</p> <p>10 Q This is under Mayor Bloomberg, I take it?</p> <p>11 A No. It was under Mayor de Blasio.</p> <p>12 Q I'm sorry.</p> <p>13 A It is okay.</p> <p>14 Q What was your job at City Hall? We will</p> <p>15 start there.</p> <p>16 A I was his Director of Health Policy.</p> <p>17 Q How did you get that job?</p> <p>18 A The deputy mayor reached out to me and</p> <p>19 offered me a position.</p> <p>20 Q Who was the deputy mayor?</p> <p>21 A Lillian Barrios-Paoli.</p> <p>22 Q And Barrios is B-A-R-R-I-O-S?</p> <p>23 A Correct.</p> <p>24 Q Paoli is P-A-O-L-I?</p> <p>25 A Correct. Hyphenated, Dr. Barrios-Paoli.</p>	<p style="text-align: right;">Page 20</p> <p>1 Patricia Yang</p> <p>2 Q Were you appointed to a different</p> <p>3 position at this point or did you apply for your</p> <p>4 next position?</p> <p>5 A I was offered the opportunity to head up</p> <p>6 an initiative that I had proposed.</p> <p>7 Q What was that initiative?</p> <p>8 A Transform the Correctional Health</p> <p>9 Services as part of the mayor's criminal justice</p> <p>10 reform efforts. It was part of Mayor de Blasio's</p> <p>11 initiative to reform the criminal justice system.</p> <p>12 Q You said you were offered the opportunity</p> <p>13 to head up the initiative. What initiative exactly</p> <p>14 was this at the time?</p> <p>15 A Correctional Health Services has been --</p> <p>16 in the City of New York has been run basically</p> <p>17 through contracted providers. Most recently, at</p> <p>18 that point in time, it was a contract with Corizon,</p> <p>19 C-O-R-I-Z-O-N, which is a for-profit prison</p> <p>20 personnel provider based in Tennessee.</p> <p>21 And because I was involved in my City</p> <p>22 Hall capacity to improve and make more dignified and</p> <p>23 humane how we deal with people who are detained and</p> <p>24 placed in city custody, one of the issues that I</p> <p>25 identified as the health person was that I thought</p>
<p style="text-align: right;">Page 19</p> <p>1 Patricia Yang</p> <p>2 Q And in that capacity, what did you do?</p> <p>3 A Several things. I aided City Hall.</p> <p>4 There are projects and issues. So in that capacity</p> <p>5 with -- Dr. Barrios-Paoli was the liaison and</p> <p>6 contact for New York City Department of Health and</p> <p>7 Mental Hygiene, New York City Health and Hospitals,</p> <p>8 New York City Office of Medical Examiner. And I was</p> <p>9 the representative from the mayor's office on the</p> <p>10 joint task force for Behavioral Health and Criminal</p> <p>11 Justice Task Force. That's what it was called.</p> <p>12 I separately worked with the First Deputy</p> <p>13 Mayor Anthony Shorris on negotiations with the state</p> <p>14 on what is called DSRIP.</p> <p>15 Q How do you spell that?</p> <p>16 A It is D-S-R-I-P, all caps, which is a</p> <p>17 state initiative, Medicaid reform, and sort of the</p> <p>18 landscape of Health and Hospitals, not the</p> <p>19 corporation, but of hospitals in the City.</p> <p>20 Q Now, could you spell out the acronym?</p> <p>21 A For the life of me, I don't think I can</p> <p>22 remember what it was.</p> <p>23 Q Okay. So you were in this capacity from</p> <p>24 May 2014 until when?</p> <p>25 A June 28th of 2015.</p>	<p style="text-align: right;">Page 21</p> <p>1 Patricia Yang</p> <p>2 we could -- we, as a city, could provide higher</p> <p>3 quality of care and better accountability in a more</p> <p>4 dignified way if we provided the services directly,</p> <p>5 rather than through a contract.</p> <p>6 Q When you said you were offered to head up</p> <p>7 the initiative, how did the initiative come to be?</p> <p>8 Was it something that was from Mayor de Blasio or is</p> <p>9 it something that, you know, there was a</p> <p>10 brainstorming effort? Exactly how did it come to be</p> <p>11 exactly?</p> <p>12 A You know, as many people in City Hall,</p> <p>13 the agency heads, department heads, there was -- it</p> <p>14 wasn't one brain storming session. It was a</p> <p>15 continuum of ideas and proposals of ways we could</p> <p>16 reform the criminal justice system in New York, and</p> <p>17 it is everything from bail, to how NYPD does</p> <p>18 arrests, to how the Department of Corrections</p> <p>19 operates.</p> <p>20 So the health issue was just one of many</p> <p>21 items, and the proposal to let the Corizon contract</p> <p>22 end and to move Correctional Health Services into</p> <p>23 New York City Health and Hospitals was but one idea</p> <p>24 for reforming health.</p> <p>25 Q Was City Hall pleased with how Corizon</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 Patricia Yang</p> <p>2 was actually operating the program?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer. You can answer.</p> <p>5 A I don't know that City Hall was</p> <p>6 displeased. I think everybody recognized that there</p> <p>7 were opportunities do it better.</p> <p>8 Q Was there a DOI investigation?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 You can answer.</p> <p>11 A Not that I can recall.</p> <p>12 Q So there was no -- there were no DOI</p> <p>13 investigations into Corizon's performance?</p> <p>14 A Not that I -- I'm not recalling that,</p> <p>15 which is not to say that it didn't happen. There</p> <p>16 were many observations about Corizon. There were</p> <p>17 reports.</p> <p>18 MS. HAGAN: I think I will show you what</p> <p>19 has been marked as Plaintiff's Exhibit 2.</p> <p>20 (A City of New York, Department of</p> <p>21 Investigation report, Bates stamped</p> <p>22 KAYE000384 through KAYE000414, was received</p> <p>23 and marked Plaintiff's Exhibit 2 for</p> <p>24 identification at this time.)</p> <p>25 (Whereupon, a discussion was held off</p>	<p style="text-align: right;">Page 24</p> <p>1 Patricia Yang</p> <p>2 Q And at that point --</p> <p>3 MS. CANFIELD: Let her finish.</p> <p>4 Q I apologize.</p> <p>5 A I was at City Hall, not at DOHMH, which I</p> <p>6 am gathering this is really focused on.</p> <p>7 Q Now, there was an effort to remove, I</p> <p>8 guess, Correctional Health Services from management</p> <p>9 under Corizon; is that right?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 You can answer.</p> <p>12 A Can you repeat that question, please?</p> <p>13 Q You testified earlier that a decision was</p> <p>14 made by City Hall to allow Corizon's contract to</p> <p>15 end; is that right?</p> <p>16 A There was a decision to do that, yes.</p> <p>17 Q Right. In fact, if you go to -- I guess</p> <p>18 under the recommendations involved here in this</p> <p>19 report by, I guess at the time, Commissioner Mark G.</p> <p>20 Peters, one of the things he mentions is that the</p> <p>21 contract itself is going to end and that they</p> <p>22 recommend that it is not renewed.</p> <p>23 Do you recall having that kind of</p> <p>24 discussion?</p> <p>25 A Not with DOI.</p>
<p style="text-align: right;">Page 23</p> <p>1 Patricia Yang</p> <p>2 the record.)</p> <p>3 THE WITNESS: Okay.</p> <p>4 Q Have you seen this document?</p> <p>5 First, before we get into it --</p> <p>6 A I don't recall.</p> <p>7 Q You have never seen the document before?</p> <p>8 A I don't recall it, but it wouldn't</p> <p>9 surprise me.</p> <p>10 MS. HAGAN: So for purposes of the</p> <p>11 record, I didn't say what Exhibit 1 is, but</p> <p>12 let's just be clear.</p> <p>13 Exhibit 1 is Plaintiff's Amended</p> <p>14 Complaint, First Amended Complaint, which is</p> <p>15 Bates stamped KAYE415 to KAYE445.</p> <p>16 And Plaintiff's Exhibit 2 is the DOI</p> <p>17 report involving Corizon Health, and it is</p> <p>18 marked as KAYE384 to KAYE414.</p> <p>19 Q Now, it is your testimony that you may or</p> <p>20 may not have seen this document before?</p> <p>21 A I don't recall this.</p> <p>22 Q Was there ever a discussion about a DOI</p> <p>23 investigation involving Corizon?</p> <p>24 A I don't recall it, but, you know, at that</p> <p>25 point I was in City Hall, not at --</p>	<p style="text-align: right;">Page 25</p> <p>1 Patricia Yang</p> <p>2 Q Not with DOI. Okay.</p> <p>3 Now, who would have had a discussion with</p> <p>4 DOI at that time? Do you know, from City Hall?</p> <p>5 A I don't know.</p> <p>6 Q At any point, did you provide oversight</p> <p>7 over Corizon at the time?</p> <p>8 A No.</p> <p>9 Q So who was the oversight for Corizon --</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 Q -- at City Hall?</p> <p>12 A In City Hall?</p> <p>13 Q Yes.</p> <p>14 A Not me. I don't know that somebody at</p> <p>15 City Hall would have done that. It is with the</p> <p>16 Department of Health and Mental Hygiene.</p> <p>17 Q Do you know what precipitated this DOI</p> <p>18 investigation?</p> <p>19 A No, but the performance of Corizon was</p> <p>20 not a surprise.</p> <p>21 Q What do you mean by that?</p> <p>22 A There were concerns about whether that</p> <p>23 contractor was the right contractor, the right</p> <p>24 provider.</p> <p>25 Q What do you mean by the right provider?</p>

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<p style="text-align: right;">Page 26</p> <p>1 Patricia Yang</p> <p>2 A Again, it was part of the whole criminal</p> <p>3 justice reform effort, and everyone was looking at</p> <p>4 all aspects of criminal injustice.</p> <p>5 Q Was there a question of how they</p> <p>6 performed background checks on staff? Do you recall</p> <p>7 that?</p> <p>8 A I recall that there was a question about</p> <p>9 DOC and its fingerprinting and clearance of staff.</p> <p>10 It is DOC, Department of Corrections, who does that,</p> <p>11 not City Hall.</p> <p>12 Q Right. Do you recall there ever being a</p> <p>13 discussion as to several staff people being hired</p> <p>14 without proper background checks at the time?</p> <p>15 A I do know that the issue of a Department</p> <p>16 of Corrections backlog came up. That was not</p> <p>17 within, certainly, my purview.</p> <p>18 * Q Do you recall there ever being an</p> <p>19 instance where the Department of Corrections staff</p> <p>20 person had let the background checks accumulate</p> <p>21 unprocessed at their desk?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 I am just curious as to the line of</p> <p>24 questioning. This sounds like a Corizon</p> <p>25 case and not this case.</p>	<p style="text-align: right;">Page 28</p> <p>1 Patricia Yang</p> <p>2 conduct my deposition. So I am going to</p> <p>3 resume my questioning, which was based on --</p> <p>4 MS. CANFIELD: Can we just --</p> <p>5 MS. HAGAN: I'm going to resume my</p> <p>6 deposition, and you can make your objection</p> <p>7 for the record.</p> <p>8 MS. CANFIELD: We are going to mark it</p> <p>9 for objection after the deposition.</p> <p>10 MS. HAGAN: Okay. I am going to still</p> <p>11 continue.</p> <p>12 MS. CANFIELD: We can. We will just</p> <p>13 mark it for a ruling.</p> <p>14 MS. HAGAN: That's fine. That's no</p> <p>15 problem for me.</p> <p>16 BY MS. HAGAN:</p> <p>17 Q So do you recall there being any</p> <p>18 instances where staff persons who had felony</p> <p>19 convictions, who should not have passed the</p> <p>20 background check, managed to be hired to work at the</p> <p>21 facilities under Corizon?</p> <p>22 A I did hear about a backlog of DOC</p> <p>23 clearances by DOC, but I don't know -- I don't</p> <p>24 remember when I heard that.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 27</p> <p>1 Patricia Yang</p> <p>2 MS. HAGAN: But that wouldn't be a</p> <p>3 proper objection, Miss Canfield.</p> <p>4 MS. CANFIELD: I am just interrupting</p> <p>5 because I think that this is not relevant,</p> <p>6 and I know that you have a free day today,</p> <p>7 but --</p> <p>8 MS. HAGAN: No, I don't have a free day</p> <p>9 today at all.</p> <p>10 MS. CANFIELD: You have a free day and a</p> <p>11 free room. I am just saying, let's go on</p> <p>12 to --</p> <p>13 MS. HAGAN: Ms. Canfield, you can't</p> <p>14 direct the deposition. This is a speaking</p> <p>15 objection, and it is not permissible.</p> <p>16 MS. CANFIELD: My co-counsel did just</p> <p>17 point out to me this is more appropriate for</p> <p>18 like the 30(b)(6) fact witness onto like the</p> <p>19 policies of City Hall. She is here as a</p> <p>20 fact witness.</p> <p>21 MS. HAGAN: No, I understand that, but</p> <p>22 that's not a proper objection.</p> <p>23 MS. CANFIELD: It doesn't matter. Can</p> <p>24 we just move on?</p> <p>25 MS. HAGAN: No, you can't tell me how to</p>	<p style="text-align: right;">Page 29</p> <p>1 Patricia Yang</p> <p>2 A I believe it came up after. I mean, at</p> <p>3 this point in time, a decision had already been made</p> <p>4 by City Hall to move Correctional Health Services</p> <p>5 from the City Health Department over to the City</p> <p>6 Health and Hospitals system.</p> <p>7 I was charged, from my position at City</p> <p>8 Hall -- I mean, this is June. That transfer was</p> <p>9 finalized on June 29th of 2015. So we were running</p> <p>10 like crazy already trying to make this -- trying to</p> <p>11 make all of the pieces happen.</p> <p>12 I was not focused on this at this point</p> <p>13 in time. The decision had already been made by the</p> <p>14 mayor.</p> <p>15 Q But you weren't part of that decision?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 A I was one of his staff who supported and</p> <p>19 made a recommendation for that.</p> <p>20 Q Now, in part of your efforts to improve</p> <p>21 the delivery of services at DHS, was the conduct of</p> <p>22 background checks part of that initiative?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 If you know.</p> <p>25 A Background checks were made the</p>

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<p style="text-align: right;">Page 30</p> <p>1 Patricia Yang</p> <p>2 responsibility of Department of Correction.</p> <p>3 Q Solely Department of Correction?</p> <p>4 A Correct.</p> <p>5 Q Before, it wasn't clear; is that right?</p> <p>6 Because you had the Department of Health and Mental</p> <p>7 Hygiene, and you also had DOC, right?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 If you know. If you have personal</p> <p>10 knowledge of the issues that she is</p> <p>11 questioning you about. If you don't, then</p> <p>12 don't testify yes or no.</p> <p>13 MS. HAGAN: I am going to have to object</p> <p>14 to the speaking objection of counsel on the</p> <p>15 record at this point.</p> <p>16 Q You can proceed to answer to the best of</p> <p>17 your ability.</p> <p>18 A I'm not clear on your question of whether</p> <p>19 I had DOC -- I don't understand that.</p> <p>20 Q Well, according to this report, and if</p> <p>21 you had an opportunity to review it to some degree,</p> <p>22 it was alleged that the various agencies involved</p> <p>23 were passing blame amongst each other as to who was</p> <p>24 responsible for conducting the background checks,</p> <p>25 whether or not it was Corizon or if it was DOC.</p>	<p style="text-align: right;">Page 32</p> <p>1 Patricia Yang</p> <p>2 A The security background checks, correct.</p> <p>3 Q So Dr. Kaye would have a security</p> <p>4 background check and another background check; is</p> <p>5 that what are you testifying to?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A No.</p> <p>9 Q Okay. Could you clarify, please?</p> <p>10 A Correctional Health Services is</p> <p>11 responsible for ensuring that health care providers</p> <p>12 are appropriately licensed and certified and</p> <p>13 permitted. That is different from the security</p> <p>14 clearance that Department of Correction does.</p> <p>15 Q Could you explain the difference?</p> <p>16 A Correctional Health Services -- we,</p> <p>17 Health and Hospitals look to make sure that doctors</p> <p>18 have medical licenses that are valid in the City of</p> <p>19 New York, for example.</p> <p>20 Q Okay.</p> <p>21 A That they did, in fact, attend and</p> <p>22 graduate in good standing from an appropriate</p> <p>23 accredited medical school, for example.</p> <p>24 The Department of Correction will check</p> <p>25 to see whether they have arrest records, criminal</p>
<p style="text-align: right;">Page 31</p> <p>1 Patricia Yang</p> <p>2 And so my question is, going forward</p> <p>3 under CHS, a decision was made that it would be</p> <p>4 under the sole purview of DOC; is that right?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A The decision at City Hall was for</p> <p>8 Correctional Health Services -- the responsibility</p> <p>9 for providing care, health care, to people who were</p> <p>10 in the City's custody would move from being a</p> <p>11 contracted service under the City Department of</p> <p>12 Health and Mental Hygiene to the New York City</p> <p>13 Health and Hospitals.</p> <p>14 DOC -- there was no change in what DOC</p> <p>15 had to do because DOC does not have responsibility</p> <p>16 for health care. It did not, and it still does not.</p> <p>17 Q So for CHS employees, right now, who does</p> <p>18 the background checks?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 Go ahead.</p> <p>21 A The Department of Correction.</p> <p>22 Q So for all CHS employees, Department of</p> <p>23 Corrections does the background check?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>	<p style="text-align: right;">Page 33</p> <p>1 Patricia Yang</p> <p>2 records, other reasons that would give the</p> <p>3 Department of Correction concern for security.</p> <p>4 Q How often would this happen for an</p> <p>5 employee?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A The Department of Correction does that</p> <p>9 for all new employees, new volunteers, contractors,</p> <p>10 and then afterward, if cause.</p> <p>11 Q If cause? What do you mean by that?</p> <p>12 A If an incident happened, if somebody was</p> <p>13 found with contraband, if there were investigations,</p> <p>14 if something happened that would make the Department</p> <p>15 of Correction rescind somebody's clearance.</p> <p>16 Q Well, let's say, specifically, the</p> <p>17 directors at the court clinics. How often would the</p> <p>18 directors at the court clinics have a criminal</p> <p>19 background check?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 You can answer.</p> <p>22 A On hire.</p> <p>23 Q And then after that?</p> <p>24 A If for cause.</p> <p>25 Q And what is for cause for a director at</p>

<p style="text-align: right;">Page 34</p> <p>1 Patricia Yang</p> <p>2 the court clinic?</p> <p>3 A If it came to either our attention or the</p> <p>4 Department of Correction's attention or DOI's</p> <p>5 attention that something had occurred that raised a</p> <p>6 question about a particular employee's conduct.</p> <p>7 Q How would that come to your attention?</p> <p>8 A Somebody would tell me.</p> <p>9 Q So you were saying that -- let's say, for</p> <p>10 example, one of the directors, a criminal background</p> <p>11 check was ordered on one of the directors after they</p> <p>12 had been working there for some time.</p> <p>13 Are you saying that it would have had to</p> <p>14 come to your attention or someone on your staff's</p> <p>15 attention?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 A If it were for cause.</p> <p>19 Q And for cause is someone telling you?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 You can answer.</p> <p>22 A Yes.</p> <p>23 Q Is there is some kind of policy in place</p> <p>24 that would corroborate what you are saying?</p> <p>25 A Yes. The Department of Correction has a</p>	<p style="text-align: right;">Page 36</p> <p>1 Patricia Yang</p> <p>2 Q Who heads that team?</p> <p>3 A Several people, but, ultimately, Jessica</p> <p>4 Laboy, who is my Chief Administrative Officer.</p> <p>5 Q And Jessica Laboy is spelled L-A-B-O-Y?</p> <p>6 A Yes.</p> <p>7 Q And she is your Chief Administrative</p> <p>8 Officer?</p> <p>9 A Correct.</p> <p>10 Q And she is responsible for ensuring that</p> <p>11 all of the staff, or at least the licensed staff,</p> <p>12 have current licenses; is that right?</p> <p>13 A Correct.</p> <p>14 Q Is there some kind of policy that</p> <p>15 corroborates what are you saying?</p> <p>16 A It would be the New York City Health and</p> <p>17 Hospital's system.</p> <p>18 Q Is there a specific name for the policy?</p> <p>19 A I don't know it.</p> <p>20 Q Did you have any part in writing the</p> <p>21 policy?</p> <p>22 A No, I did not.</p> <p>23 Q Who did?</p> <p>24 A Some people in Health and Hospitals,</p> <p>25 probably the Office of Legal Affairs, the Office of</p>
<p style="text-align: right;">Page 35</p> <p>1 Patricia Yang</p> <p>2 policy about what -- about contraband, about overdue</p> <p>3 familiarity, a range of issues that lay guardrails</p> <p>4 around what people should or shouldn't do in a DOC</p> <p>5 facility.</p> <p>6 Q What about CHS? Is there a policy for</p> <p>7 CHS?</p> <p>8 A I'm not sure we have a separate one. We</p> <p>9 certainly comply with DOC's.</p> <p>10 Q Have any of the directors that you know</p> <p>11 of at the court clinics undergone an additional</p> <p>12 criminal background check?</p> <p>13 A Not to my knowledge.</p> <p>14 Q And how often are the doctors or, I</p> <p>15 guess, the directors at the court clinics, how often</p> <p>16 are their licenses checked for currency?</p> <p>17 A On initial appointment and then at point</p> <p>18 of reappointment.</p> <p>19 Q Reappointment for what?</p> <p>20 A There is a whole procedure. I am not</p> <p>21 close enough to explain it well. My staff do that.</p> <p>22 Q Who is your staff that does that?</p> <p>23 A We have a team of people in Human</p> <p>24 Resources and who do handle credentialing and</p> <p>25 licenses.</p>	<p style="text-align: right;">Page 37</p> <p>1 Patricia Yang</p> <p>2 Medical Professional Affairs, the president's</p> <p>3 office -- I don't know.</p> <p>4 Q So going back to your transition from</p> <p>5 City Hall to H and H, this took place in 2015,</p> <p>6 correct?</p> <p>7 A Correct.</p> <p>8 Q So initially, in 2015, in June of 2015,</p> <p>9 what was your title?</p> <p>10 A June 29th of 2015, I was senior vice</p> <p>11 president.</p> <p>12 Q Of?</p> <p>13 A For Correctional Health Services.</p> <p>14 Q What did that entail at the time?</p> <p>15 A At that moment, on June 29, 2015, we were</p> <p>16 in the very, very busy process of getting</p> <p>17 Correctional Health Services over to Health and</p> <p>18 Hospitals with no disruption in service in the</p> <p>19 twelve jails city wide.</p> <p>20 Q So this is the transition from Corizon to</p> <p>21 H and H?</p> <p>22 A And from Corizon and the City Health</p> <p>23 Department to Health and Hospitals.</p> <p>24 Q Now, what did the City Health Department</p> <p>25 have to do with -- how were they involved in CHS?</p>

<p style="text-align: right;">Page 38</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 You can answer.</p> <p>4 A They oversaw the contract.</p> <p>5 Q Which contract?</p> <p>6 A The Corizon contract.</p> <p>7 Q Who was the person who oversaw the</p> <p>8 Corizon contract from the health department?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 You can answer.</p> <p>11 A I'm not sure what level you are asking,</p> <p>12 but ultimately, Commissioner Farley, and under him,</p> <p>13 there was a Department Commissioner, and under her,</p> <p>14 there was an Assistant Commissioner, and their teams</p> <p>15 oversaw the Corizon contract.</p> <p>16 Q So there is a transition from Department</p> <p>17 of Health and Corizon over to CHS at this point, and</p> <p>18 you were spearheading that; is that right?</p> <p>19 A Over to Health and Hospitals.</p> <p>20 Q I mean Health and Hospitals. I'm sorry.</p> <p>21 But you were spearheading that?</p> <p>22 A Yes.</p> <p>23 Q At that time, how many people did you</p> <p>24 manage?</p> <p>25 A From June 29, 2015 until August 9th, I</p>	<p style="text-align: right;">Page 40</p> <p>1 Patricia Yang</p> <p>2 Q And how many staff people comprised CHS</p> <p>3 at that time?</p> <p>4 A I'm --</p> <p>5 MS. CANFIELD: If you don't know, you</p> <p>6 don't know.</p> <p>7 Q Was it several hundred?</p> <p>8 A Yes, several hundred.</p> <p>9 Q And are we talking about three or four</p> <p>10 hundred people?</p> <p>11 A So a few -- a couple hundred from DOHMH</p> <p>12 and then Corizon. All together, there was probably</p> <p>13 about fifteen hundred people, FTEs, full-time</p> <p>14 equivalents.</p> <p>15 Q Full time --</p> <p>16 A Equivalent.</p> <p>17 Q Equivalent. Just make sure that you</p> <p>18 speak up.</p> <p>19 So at that point, you were the senior VP</p> <p>20 of Correctional Health Services, and just to kind of</p> <p>21 break out, just to be clear, what different units</p> <p>22 consisted of Correctional Health Services at that</p> <p>23 time?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>
<p style="text-align: right;">Page 39</p> <p>1 Patricia Yang</p> <p>2 managed no one. I was a division of one person.</p> <p>3 On August 9th of 2015, several hundred</p> <p>4 people from DOHMH transferred over, along with the</p> <p>5 Corizon contract, and all other aspects of</p> <p>6 Correctional Health Services.</p> <p>7 Q So is it fair to say that you -- I mean,</p> <p>8 there was a dollar amount earmarked for the Corizon</p> <p>9 contract. Was that now used to finance the staff</p> <p>10 that you now were supervising?</p> <p>11 A Yes.</p> <p>12 Q Okay. And approximately how much was</p> <p>13 that?</p> <p>14 A I don't recall.</p> <p>15 Q How many people did you absorb from DOHMH</p> <p>16 at that point, approximately?</p> <p>17 A Maybe a hundred fifty, two hundred.</p> <p>18 Q And approximately, would you say how much</p> <p>19 was the budget at that point?</p> <p>20 A I apologize. I don't recall.</p> <p>21 Q No ballpark figure?</p> <p>22 A Several hundred million dollars. Maybe</p> <p>23 three, two -- two-something.</p> <p>24 Q And this was to operate CHS all together?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 41</p> <p>1 Patricia Yang</p> <p>2 A Let's see. There was the -- we have</p> <p>3 changed a lot in the last five years, but there has</p> <p>4 always been medical service, mental health service,</p> <p>5 nursing service, social work, re-entry/discharge</p> <p>6 planning, dental, and operations, then</p> <p>7 infrastructure. There is HR, labor, IT, medical</p> <p>8 records, patient relations. I could go on. Admin.</p> <p>9 Q Then do you have any other units, besides</p> <p>10 infrastructure?</p> <p>11 A All of those that I was listing, I</p> <p>12 consider under infrastructure.</p> <p>13 Q They are under infrastructure. I'm</p> <p>14 sorry.</p> <p>15 A Correct.</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 Q So let me make sure, these were all of</p> <p>19 the units under CHS. You have medical, mental --</p> <p>20 medical health services, mental health services,</p> <p>21 nursing, social work, re-entry, right?</p> <p>22 A Yes.</p> <p>23 Q Dental health services and operations,</p> <p>24 right?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Patricia Yang</p> <p>2 Q And then infrastructure?</p> <p>3 A Yes.</p> <p>4 Q And then you have HR, labor, IT, and</p> <p>5 patient relations, right?</p> <p>6 A Yes.</p> <p>7 Q And would you say that this was -- this</p> <p>8 program was separate and apart from H and H's</p> <p>9 infrastructure or was it a part of H and H?</p> <p>10 A We were part of H and H.</p> <p>11 Q Are there duplicative roles in the</p> <p>12 infrastructure in CHS and H and H? Like would you</p> <p>13 have a director of Labor Relations and</p> <p>14 infrastructure under CHS, and a director of Labor</p> <p>15 Relations under H and H?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 A Health and Hospitals' system has central</p> <p>19 office -- I don't know what you would call it --</p> <p>20 central office offices for these infrastructure</p> <p>21 areas that give guidance to the system, which</p> <p>22 consists of hospitals, ambulatory care, post acute</p> <p>23 care, and Correctional Health Services.</p> <p>24 They don't -- central office doesn't</p> <p>25 manage all of those aspects at the hospitals. It is</p>	<p style="text-align: right;">Page 44</p> <p>1 Patricia Yang</p> <p>2 Q When did you come to manage the court</p> <p>3 clinics?</p> <p>4 MS. CANFIELD: Objection. You can</p> <p>5 answer.</p> <p>6 A Probably 2018.</p> <p>7 Q When in 2018?</p> <p>8 A Let's see. I think it was 2018 --</p> <p>9 2019 -- time is doing a weird thing in my mind.</p> <p>10 2018.</p> <p>11 As part of our continuous efforts to</p> <p>12 improve the Correctional Health Services, we</p> <p>13 identified on our own and with the City that there</p> <p>14 were delays -- there were delays or long</p> <p>15 turn-arounds in producing reports that were court</p> <p>16 ordered for competency reviews.</p> <p>17 And so the court clinics had been</p> <p>18 operated by Bellevue and Kings County Hospital, and</p> <p>19 they were not -- they were not operating as a</p> <p>20 unified structure. They were four separate clinics</p> <p>21 run by two different hospital systems.</p> <p>22 Q So who was in charge of these clinics at</p> <p>23 the time?</p> <p>24 A Bellevue Hospital and Kings County</p> <p>25 Hospital.</p>
<p style="text-align: right;">Page 43</p> <p>1 Patricia Yang</p> <p>2 way too much.</p> <p>3 Q So there is, I guess, an insular</p> <p>4 structure within CHS, at least at that time --</p> <p>5 A Yes.</p> <p>6 Q -- of HR, labor, IT and patient</p> <p>7 relations.</p> <p>8 A So patient relations I don't consider</p> <p>9 infrastructure, or medical records or compliance or</p> <p>10 quality assurance.</p> <p>11 Q Quality assurance. Okay.</p> <p>12 A But those are all centralized functions.</p> <p>13 Q Okay. So this is in August of 2015?</p> <p>14 A Yes.</p> <p>15 Q So I am assuming things changed. It</p> <p>16 evolved, right?</p> <p>17 A Yes.</p> <p>18 Q So when did it change?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 You can answer.</p> <p>21 A It has been continuous.</p> <p>22 Q So to kind of bring us up to speed, at</p> <p>23 what point -- so you were managing the court clinics</p> <p>24 at that point; is that right?</p> <p>25 A That is not correct.</p>	<p style="text-align: right;">Page 45</p> <p>1 Patricia Yang</p> <p>2 Q Was Jeremy Colley one of the people who</p> <p>3 were in charge of the clinic?</p> <p>4 A Jeremy Colley was within Bellevue.</p> <p>5 Q So within Bellevue. Was he the most</p> <p>6 senior person at the time?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A I don't know. He reports to Chief of</p> <p>10 Service, who reports to Chief Medical Officer, who</p> <p>11 reports to the Chief Executive Officer, who reports</p> <p>12 to a board.</p> <p>13 Q But you do know who Jeremy Colley is?</p> <p>14 A I do.</p> <p>15 Q Who was his equivalent at Kings County?</p> <p>16 A I don't know.</p> <p>17 Q So the turn around, how was that brought</p> <p>18 to your attention, as far as turn around for the 730</p> <p>19 and the 390 reports?</p> <p>20 A The City -- the Mayor's Office of</p> <p>21 Criminal Justice --</p> <p>22 Q MOCJ?</p> <p>23 A MOCJ. Thank you.</p> <p>24 -- convened a task force of some sort, a</p> <p>25 work group, looking at how court processing could be</p>

<p style="text-align: right;">Page 46</p> <p>1 Patricia Yang</p> <p>2 done more expeditiously, so people did not languish</p> <p>3 in jail waiting for their cases to be processed.</p> <p>4 This was one of the issues that came up.</p> <p>5 Q And just to be clear, where were the four</p> <p>6 clinics? There was one in Manhattan; is that right?</p> <p>7 A Yes.</p> <p>8 Q One in Queens?</p> <p>9 A Yes.</p> <p>10 Q One in the Bronx?</p> <p>11 A Yes.</p> <p>12 Q And one in Brooklyn?</p> <p>13 A Yes.</p> <p>14 Q To be clear, were you on this task force</p> <p>15 with MOCJ?</p> <p>16 A I was busy with Correctional Health</p> <p>17 Services. I was on, you know, invitations or e-mail</p> <p>18 distributions. It wasn't a formal task force. I</p> <p>19 think people were just invited to come and would</p> <p>20 come. I was not a regular attendee. I would come</p> <p>21 in when they thought that I could be helpful.</p> <p>22 Q So in 2018, now CHS is something that you</p> <p>23 manage?</p> <p>24 A Yes.</p> <p>25 Q And what was the managerial structure at</p>	<p style="text-align: right;">Page 48</p> <p>1 Patricia Yang</p> <p>2 this. The Chief Operating Officer --</p> <p>3 A I think at that point in time, it was</p> <p>4 Sara, with no H, Gillen, G-I-L-L-E-N.</p> <p>5 Q Okay. So this is 2018, right?</p> <p>6 A Yes.</p> <p>7 Q And did this reporting structure change</p> <p>8 at any point? Did you keep these same direct</p> <p>9 reports or at least these same positions as direct</p> <p>10 reports throughout your tenure?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 A Pretty much.</p> <p>13 Q So they are the same people. So I guess</p> <p>14 I would like to figure out --</p> <p>15 A They are not the same people.</p> <p>16 Q Let's figure it out. Admin, you had</p> <p>17 Labor Relations and HR. Who was in charge of Labor</p> <p>18 Relations at the time?</p> <p>19 A Jonathan Wangel.</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 Give me half a chance here.</p> <p>22 A Jonathan Wangel, W-A-N-G-E-L.</p> <p>23 Q And HR?</p> <p>24 A I believe, at that point, it was also</p> <p>25 Mr. Wangel.</p>
<p style="text-align: right;">Page 47</p> <p>1 Patricia Yang</p> <p>2 the time? You were at the top, I take it, right?</p> <p>3 A Yes.</p> <p>4 Q And then who reported directly to you at</p> <p>5 that time?</p> <p>6 A I had a Chief Medical Officer who -- a</p> <p>7 Chief Medical Officer, Chief Finance Officer, Chief</p> <p>8 Operating Officer, a lot of chiefs. Admin. I did</p> <p>9 not have at that point in time a Chief</p> <p>10 Administrative Officer, but Labor Relations and HR</p> <p>11 were operated by another person, a senior director.</p> <p>12 Q Okay. And anyone else who was a direct</p> <p>13 report?</p> <p>14 A Senior director, there was a planning and</p> <p>15 policy group and a quality assurance.</p> <p>16 Q Now, to the best of your recollection,</p> <p>17 who was the Chief Medical Officer at that time?</p> <p>18 A It was either Home Venters or Ross</p> <p>19 MacDonald.</p> <p>20 Q Can you repeat that again?</p> <p>21 A Homer, H-O-M-E-R, Venters, V-E-N-T-E-R-S.</p> <p>22 Q And the CFA?</p> <p>23 A Aaron Anderson, A-A-R-O-N,</p> <p>24 A-N-D-E-R-S-O-N.</p> <p>25 Q So then -- I won't go into too much of</p>	<p style="text-align: right;">Page 49</p> <p>1 Patricia Yang</p> <p>2 Q Okay. And Planning and Policy?</p> <p>3 A At that point in time, it was Patrick</p> <p>4 Alberts, A-L-B-E-R-T-S.</p> <p>5 Q And Quality Assurance?</p> <p>6 A Roderick Calandria, C-A-L-A-N-D-R-I-A.</p> <p>7 Q So where would the court clinics actually</p> <p>8 fall under these direct reports? Who would be the</p> <p>9 person?</p> <p>10 You said Homer Venters, right, was your</p> <p>11 direct report? And then it was Ross MacDonald after</p> <p>12 that?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A Yes. I don't remember when Homer left</p> <p>16 and Ross --</p> <p>17 Q Okay.</p> <p>18 A -- was appointed.</p> <p>19 Q And then who reported to -- I guess who</p> <p>20 was under Mr. MacDonald or Mr. Venters.</p> <p>21 A Doctors.</p> <p>22 Q Doctors?</p> <p>23 A Doctors.</p> <p>24 Q Who was under either one of these people?</p> <p>25 A Our Chief of Psychiatry, Dr. Elizabeth</p>

<p style="text-align: right;">Page 50</p> <p>1 Patricia Yang</p> <p>2 Ford, our Chief Nursing Officer, Nancy Arias,</p> <p>3 A-R-I-A-S, our Chief of Medicine, Zachary Rosner.</p> <p>4 Q So Dr. Ford's title exactly again? It</p> <p>5 was chief of what?</p> <p>6 A Chief of Psychiatry.</p> <p>7 Q And she was working there when you got</p> <p>8 there, right?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 You can answer.</p> <p>11 A When I got there.</p> <p>12 Q When you started managing the clinics and</p> <p>13 the -- when you started managing CHS, right?</p> <p>14 A Yes.</p> <p>15 Q Was Dr. Ford there already as the Chief</p> <p>16 of Psychiatry?</p> <p>17 A She didn't have that title, but she was</p> <p>18 working at -- I think she had recently been hired by</p> <p>19 Homer, Dr. Venters, while Correctional Health</p> <p>20 Services was still with the City Health Department.</p> <p>21 Q Now, going back to the reports and the</p> <p>22 turn-around, right, over a series of meetings</p> <p>23 someone monitored or it was brought to the task</p> <p>24 force's attention that these reports were taking, I</p> <p>25 guess, an extended period of time to be completed,</p>	<p style="text-align: right;">Page 52</p> <p>1 Patricia Yang</p> <p>2 or psychological services in the past?</p> <p>3 A No.</p> <p>4 Q So who did you rely on in order to, I</p> <p>5 guess, facilitate the changes in the clinics?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A The way things operate, it is my senior</p> <p>9 team.</p> <p>10 Q Who is your senior team?</p> <p>11 A The leadership. Pretty much the people</p> <p>12 that I named.</p> <p>13 Q So let's go back. The most senior person</p> <p>14 we have here is Ross MacDonald, and then there would</p> <p>15 be Dr. Ford. So those two people would be the</p> <p>16 people that you would rely upon in determining or</p> <p>17 generating some kind of initiative; is that right?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 You can answer.</p> <p>20 A The way ideas come up and initiatives</p> <p>21 come up is a group process.</p> <p>22 Q Who is in that group?</p> <p>23 A My cupboard, my direct reports.</p> <p>24 Q And in this instance, since are you</p> <p>25 making reforms to the court clinic, who would be</p>
<p style="text-align: right;">Page 51</p> <p>1 Patricia Yang</p> <p>2 right?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer.</p> <p>5 A Correct.</p> <p>6 Q And exactly how did that come to be? I</p> <p>7 mean, did they report this to you? Was there a</p> <p>8 report that the task force actually generated?</p> <p>9 A Not that I can recall.</p> <p>10 Q So how did you determine what things</p> <p>11 needed to be improved or changed as far as the</p> <p>12 operations of the clinics were concerned?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A There were many aspects. So I would be</p> <p>16 asked if there was something we could do to help</p> <p>17 have the exchange of protective health information</p> <p>18 easier. So -- or there were complaints that staff</p> <p>19 -- there were vacancies that weren't being filled.</p> <p>20 There was a range of issues that came forward.</p> <p>21 Q Now, what is your familiarity with the</p> <p>22 operations of the court clinics and what the</p> <p>23 directors do exactly?</p> <p>24 A I would say remote.</p> <p>25 Q Had you had any background in psychiatry</p>	<p style="text-align: right;">Page 53</p> <p>1 Patricia Yang</p> <p>2 involved?</p> <p>3 A My top group, plus Dr. Ford.</p> <p>4 Q So are you talking about everybody who</p> <p>5 are your direct reports that you named earlier?</p> <p>6 A Yes.</p> <p>7 Q And then Dr. Ford?</p> <p>8 A Yes.</p> <p>9 Q And Dr. MacDonald?</p> <p>10 A Dr. MacDonald is part of my senior team.</p> <p>11 Q Okay. Yes. Right.</p> <p>12 So at that point -- for example, let's</p> <p>13 just try to understand, I guess, where you are with</p> <p>14 the clinics.</p> <p>15 You are aware of the 390 exams and the</p> <p>16 730?</p> <p>17 A Yes.</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 Q To the extent that you know, what does</p> <p>21 the 390 exam entail?</p> <p>22 A An assessment as to -- with</p> <p>23 recommendations for sentencing.</p> <p>24 Q Okay. When is that administered?</p> <p>25 A Prior to sentencing.</p>

<p style="text-align: right;">Page 54</p> <p>1 Patricia Yang</p> <p>2 Q Is this at the pleading stage or what?</p> <p>3 What exactly is a 390 exam?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A I don't feel comfortable describing it.</p> <p>7 Q What do you mean?</p> <p>8 A I don't -- I'm not close enough to the</p> <p>9 operation to tell you in a way that I feel</p> <p>10 comfortable.</p> <p>11 Q To the extent that you know, what is a</p> <p>12 390 exam?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A Again, it is to make recommendations for</p> <p>15 sentencing.</p> <p>16 Q And do you know what the requirements are</p> <p>17 for the administration of a 390 exam?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 You can answer.</p> <p>20 A I don't feel comfortable answering that.</p> <p>21 Q Did you confer with anyone about what</p> <p>22 would be required to administer a 390 exam?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A It comes up in conversation, in meetings,</p>	<p style="text-align: right;">Page 56</p> <p>1 Patricia Yang</p> <p>2 role is of their lawyer, what the role is of the</p> <p>3 court? Do they understand the consequences? Do</p> <p>4 they understand what they are being alleged to have</p> <p>5 done? Things like that.</p> <p>6 Q Now, do you know what the 730 exam itself</p> <p>7 entails, as far as the defendant --</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 Q -- is concerned?</p> <p>10 MS. CANFIELD: You can answer.</p> <p>11 A I don't. I'm not close enough to feel</p> <p>12 comfortable explaining to you the operational</p> <p>13 process.</p> <p>14 Q Do you know how many evaluators are</p> <p>15 involved?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A Two.</p> <p>18 Q Is this always the case?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 You can answer.</p> <p>21 A I don't know enough to say whether it is</p> <p>22 always the case.</p> <p>23 Q Should it be?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 Patricia Yang</p> <p>2 but that was not key to the systematic reforms that</p> <p>3 we were talking about.</p> <p>4 Q Wasn't the goal to streamline the</p> <p>5 administration of the examinations themselves?</p> <p>6 A The goal was not to streamline. The goal</p> <p>7 was to streamline the process, not the exams</p> <p>8 themselves.</p> <p>9 Q So to your knowledge, what is the</p> <p>10 difference between a 390 and a 730 exam?</p> <p>11 A The 730 exam is competency to stand</p> <p>12 trial, to go through the process of their case</p> <p>13 processing, not sentencing.</p> <p>14 Q So sentencing versus -- not sentencing.</p> <p>15 390 is what exactly, again? Would you say it again?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A For sentencing.</p> <p>18 Q Okay. And then the 730 is the competency</p> <p>19 to stand trial, right?</p> <p>20 A Correct.</p> <p>21 Q And what do you mean by competency to</p> <p>22 stand trial?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 A Does someone understand the charges</p> <p>25 against them? Does somebody understand what the</p>	<p style="text-align: right;">Page 57</p> <p>1 Patricia Yang</p> <p>2 Q And when did you become familiar with the</p> <p>3 CPL, which is the Criminal Procedure Law, that</p> <p>4 implements these two exams?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A Probably 2017.</p> <p>8 Q And how did you become familiar?</p> <p>9 A And perhaps even earlier.</p> <p>10 Q And how did you become familiar with it?</p> <p>11 A As part of Mayor de Blasio's larger</p> <p>12 criminal justice reform effort, all aspects of the</p> <p>13 system were raised and examined.</p> <p>14 Q And did you have a training of any kind?</p> <p>15 A No.</p> <p>16 Q So how did you learn about the CPL?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A In meetings. I am not -- my job and my</p> <p>19 level of responsibility is not to conduct these. It</p> <p>20 is not -- I don't have the expertise to say that the</p> <p>21 clinical standard is appropriate or not. I am a</p> <p>22 systems person.</p> <p>23 Q So you looked at -- would it be fair to</p> <p>24 say that you looked at the system as it was being</p> <p>25 administered at the time and made a determination as</p>

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 Patricia Yang</p> <p>2 to how to shorten the turn-around, as far as the</p> <p>3 production of these reports?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A That is some of what I did.</p> <p>7 Q Okay. What processes were put in place</p> <p>8 to shorten the turn-around?</p> <p>9 A So if I can refrain something --</p> <p>10 Q Yes.</p> <p>11 A -- which was, prior to shortening, which</p> <p>12 was part of the goal -- and the City actually</p> <p>13 identified that they would do a pilot in Queens by</p> <p>14 giving additional staff -- at some point in time, I</p> <p>15 and my team raised the question and discussed the</p> <p>16 merits of having the four clinics consolidate</p> <p>17 management to Correctional Health Services.</p> <p>18 They were clinics that had been operating</p> <p>19 as stand-alones within the large Bellevue and Kings</p> <p>20 County structures.</p> <p>21 I understood that there was not</p> <p>22 standardization among the four clinics, that they</p> <p>23 did not have the resources, whether it was personnel</p> <p>24 resources or other than personnel resources, that</p> <p>25 they needed.</p>	<p style="text-align: right;">Page 60</p> <p>1 Patricia Yang</p> <p>2 Q When was that?</p> <p>3 A Late '17 or early '18.</p> <p>4 Q Did you meet with any of the directors of</p> <p>5 the clinics at that time?</p> <p>6 A I did.</p> <p>7 Q Who did you meet with?</p> <p>8 A Dr. Kaye was one of the people I met</p> <p>9 with, along with all of her staff.</p> <p>10 Q So in 2017, you met with Dr. Kaye at that</p> <p>11 time?</p> <p>12 A That's not what I said.</p> <p>13 Q Okay.</p> <p>14 A I did meet with Kaye and her staff, as I</p> <p>15 did with the directors and the staffs of the other</p> <p>16 three clinics.</p> <p>17 Q When did you meet with Dr. Kaye?</p> <p>18 A It was probably in '18.</p> <p>19 Q Would you say early 2018?</p> <p>20 A Yes.</p> <p>21 Q And do you recall the conversation you</p> <p>22 had with Dr. Kaye and her staff?</p> <p>23 A Yes. Myself, Dr. MacDonald, and Dr. Ford</p> <p>24 went to visit and meet with each of the clinic staff</p> <p>25 to explain to them the reason for the consolidation</p>
<p style="text-align: right;">Page 59</p> <p>1 Patricia Yang</p> <p>2 I understood that they were not as</p> <p>3 aligned in mission with Bellevue and Kings County's</p> <p>4 mission as they were with ours, which was to deal</p> <p>5 with criminal justice reform, so that people who</p> <p>6 were in the City's custody were in custody the least</p> <p>7 amount of time as necessary.</p> <p>8 Q In 2018, what would you say the budget</p> <p>9 for the court clinics were?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 You can answer.</p> <p>12 A I don't recall.</p> <p>13 Q You said that they were under-resourced,</p> <p>14 right?</p> <p>15 A Correct.</p> <p>16 Q In terms of other than personnel services</p> <p>17 and personnel services; is that right?</p> <p>18 A That's what I learned.</p> <p>19 Q Right. Who did you learn that from?</p> <p>20 A My own eyes.</p> <p>21 Q And what do you mean your own eyes? What</p> <p>22 do you mean? Did you go physically to the clinics?</p> <p>23 A I did.</p> <p>24 Q When did you go to the clinics?</p> <p>25 A This was after the decision was made.</p>	<p style="text-align: right;">Page 61</p> <p>1 Patricia Yang</p> <p>2 of management from Bellevue and Kings County to</p> <p>3 Correctional Health Services.</p> <p>4 Q So you, Dr. MacDonald, and Dr. Ford went</p> <p>5 to each of these clinics one by one?</p> <p>6 A Correct.</p> <p>7 Q And at that time, what was your</p> <p>8 recollection of the size of the Bronx clinic?</p> <p>9 A I don't understand the question about</p> <p>10 size.</p> <p>11 Q As far as staff is concerned, how many</p> <p>12 people were there?</p> <p>13 A I don't recall.</p> <p>14 Q Okay. Doctor, you recall that Dr. Kaye</p> <p>15 had a staff?</p> <p>16 A Yes.</p> <p>17 Q And what would that staff consist of</p> <p>18 generally?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 You can answer.</p> <p>21 A Administrative people, some clinic -- you</p> <p>22 know, psychiatrists, psychologists. I don't recall.</p> <p>23 Q Do you remember name Lucretia Persaud?</p> <p>24 A No. It sounds familiar.</p> <p>25 Q Or Dr. Winkler?</p>

<p style="text-align: right;">Page 62</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q Were the centers actually staffed at the</p> <p>4 time?</p> <p>5 A I don't know.</p> <p>6 Q Do you recall having any conversations</p> <p>7 with Dr. Kaye when you met with her back in 2018 at</p> <p>8 that time?</p> <p>9 A About what?</p> <p>10 Q Well, you said that you were explaining</p> <p>11 the consolidation to each of the center directors,</p> <p>12 right?</p> <p>13 A And their staffs.</p> <p>14 Q And their staffs.</p> <p>15 Did you ever speak to Dr. Kaye about</p> <p>16 operations or just some of the systematic changes</p> <p>17 that you had -- that were envisioned for the</p> <p>18 centers?</p> <p>19 A Yes.</p> <p>20 Q And what were those conversations about?</p> <p>21 A So they were not with Dr. Kaye directly.</p> <p>22 They were with Dr. Kaye and her staff at that point</p> <p>23 in time, to explain to them why we were doing this,</p> <p>24 when we were doing this, that they would still have</p> <p>25 a job, that their titles weren't changing, their</p>	<p style="text-align: right;">Page 64</p> <p>1 Patricia Yang</p> <p>2 speed up the time that a defendant would be waiting?</p> <p>3 A That was the Queens pilot, but overall,</p> <p>4 the goal was to provide more support to each of the</p> <p>5 clinics.</p> <p>6 Q And for the Bronx, what support did they</p> <p>7 need, if you remember?</p> <p>8 A I can't recall, but generally, the</p> <p>9 clinics, some didn't have telephones. There were</p> <p>10 vacancies that could be filled. There were requests</p> <p>11 for additional staff. There were requests for</p> <p>12 equipment, computers. There was some -- there were</p> <p>13 requests for space. There were requests to remove</p> <p>14 detritus and old filing cabinets to have a better</p> <p>15 work environment. There were requests for, you</p> <p>16 know, electrical work, so that when a microwave went</p> <p>17 on, the computers didn't crash.</p> <p>18 Q Now, let's go back to something a little</p> <p>19 bit less granular.</p> <p>20 The Queens pilot project, what exactly</p> <p>21 did that entail?</p> <p>22 A The clinic director Elizabeth Owens</p> <p>23 requested -- identified that, if she got an</p> <p>24 additional staff, she could hasten the through-put.</p> <p>25 Q So the Queens pilot project basically</p>
<p style="text-align: right;">Page 63</p> <p>1 Patricia Yang</p> <p>2 work locations would remain the same, they were</p> <p>3 still with Health and Hospitals, and to really</p> <p>4 solicit from them what they saw as their -- I</p> <p>5 wouldn't say wish list, but needs to operate better.</p> <p>6 Q At that time, were they also told that</p> <p>7 their hours weren't going to be changing either?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 You can answer.</p> <p>10 A We did not discuss that.</p> <p>11 Q So you are clear that you didn't talk</p> <p>12 about changes in the operations of the clinics at</p> <p>13 that time with Dr. Kaye or any of the center</p> <p>14 directors?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 Q As far as the hours of the clinics were</p> <p>18 concerned?</p> <p>19 A Didn't get that specific.</p> <p>20 Q Who would have made a determination as to</p> <p>21 the hours of the clinics' operations?</p> <p>22 A Ultimately, Dr. Ford and Dr. MacDonald,</p> <p>23 if there were changes, but we were not -- changing</p> <p>24 the hours of the clinic was not one of the goals.</p> <p>25 Q The goals were -- one of the goals was to</p>	<p style="text-align: right;">Page 65</p> <p>1 Patricia Yang</p> <p>2 entailed more staff?</p> <p>3 A Yes.</p> <p>4 Q And nothing else?</p> <p>5 A And some -- I think there was some</p> <p>6 resource to Legal Aid.</p> <p>7 Q Who was responsible -- so Dr. Owens, she</p> <p>8 is responsible for the Queens pilot project by</p> <p>9 herself or --</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 Q How did it materialize?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 A She was one of the people who attended</p> <p>14 the MOCJ meetings.</p> <p>15 Q And why was there just -- were there</p> <p>16 other pilot projects, or no?</p> <p>17 A No. And I was not part of that decision,</p> <p>18 and the clinics did not report to me at that point</p> <p>19 in time. My attendance in those conversations was</p> <p>20 sporadic.</p> <p>21 Q Who did the clinics report to at the time</p> <p>22 of the Queens pilot project?</p> <p>23 A Bellevue and Kings County.</p> <p>24 Q Now, when was the next time you spoke to</p> <p>25 Dr. Kaye after the 2018 meeting?</p>

<p style="text-align: right;">Page 66</p> <p>1 Patricia Yang</p> <p>2 A I have not.</p> <p>3 Q You never spoke to her again?</p> <p>4 A No.</p> <p>5 Q How is that?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A It is not -- it is not my job.</p> <p>8 Q Did you ever go back to the clinic after</p> <p>9 that?</p> <p>10 A I did not.</p> <p>11 Q Okay. Have you been to the clinic after</p> <p>12 Dr. Kaye left?</p> <p>13 A I have not.</p> <p>14 Q Now, at some point, you had the Queens</p> <p>15 pilot project. How was success or how was</p> <p>16 performance measured of this project?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer.</p> <p>19 A The clinic has to report some data, as</p> <p>20 requested, to MOCJ.</p> <p>21 Q What data is that?</p> <p>22 A Data -- it is just turn-around.</p> <p>23 Q Turn-around of the 390s and the 730s?</p> <p>24 A Just the 730s.</p> <p>25 Q Just the 730s?</p>	<p style="text-align: right;">Page 68</p> <p>1 Patricia Yang</p> <p>2 defendants themselves?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer.</p> <p>5 A I don't understand what that metric would</p> <p>6 look like, but --</p> <p>7 Q For example, M.B., a defendant, a judge</p> <p>8 ordered that a 730 be conducted for him. Would that</p> <p>9 be one 730? Because there are two evaluators.</p> <p>10 Would it be one 730 for that defendant?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 Could we mark this part of the record as</p> <p>13 being sealed, named being sealed, being it</p> <p>14 is an inmate's name.</p> <p>15 MS. HAGAN: It is. I'm sorry. So that</p> <p>16 could be redacted or something. I'm not</p> <p>17 sure how that would work, but we can just</p> <p>18 use the initials.</p> <p>19 (Whereupon, a discussion was held off</p> <p>20 the record.)</p> <p>21 Q John Doe, could it be that John Doe is</p> <p>22 considered as one evaluation or two evaluations,</p> <p>23 because there are two evaluators?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>
<p style="text-align: right;">Page 67</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q How were the 730s counted?</p> <p>4 A I'm not close enough to that, but I would</p> <p>5 imagine it would be date the court ordered and the</p> <p>6 date the report was provided.</p> <p>7 Q But as far as the number of them, how</p> <p>8 would they be counted?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 You can answer.</p> <p>11 A I'm not close enough to the data</p> <p>12 collection to answer that.</p> <p>13 Q I am going to ask you, just to see if</p> <p>14 this is reasonable to assume, could the 730 be</p> <p>15 counted based on the orders from the judge to</p> <p>16 conduct the 730s?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer.</p> <p>19 A It is possible.</p> <p>20 Q Could they be counted based on each</p> <p>21 evaluator conducting a 730?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 You can answer.</p> <p>24 A I don't know. It is possible.</p> <p>25 Q Could they also be counted based on the</p>	<p style="text-align: right;">Page 69</p> <p>1 Patricia Yang</p> <p>2 A I'm not close enough to the operations to</p> <p>3 understand that.</p> <p>4 Q So how would you determine if there were</p> <p>5 improvements if are you not sure how the 730s are</p> <p>6 counted?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A So the turn-around time that I see when I</p> <p>10 ask to get an update has been that the turn-around,</p> <p>11 average turn-around, has gone from about forty-five</p> <p>12 days to single digit days. That is a very good</p> <p>13 indicator.</p> <p>14 I know that the vacancies are budgeted</p> <p>15 and filled. I know that recruitment is under way to</p> <p>16 backfill people who leave. I know that space has</p> <p>17 been allocated, phone lines are back in, so people</p> <p>18 are not using their personal cell phones anymore.</p> <p>19 I understand that there are policies and</p> <p>20 procedures that standardize across the four clinics</p> <p>21 how they can request and receive protected health</p> <p>22 information and share it. Things like that.</p> <p>23 Q Now, getting back to, first and foremost,</p> <p>24 the exams and the turn-around. For example, the</p> <p>25 Queens pilot project, I am assuming you are</p>

<p style="text-align: right;">Page 70</p> <p>1 Patricia Yang</p> <p>2 referencing that when the exams went from forty-</p> <p>3 seven days allegedly to single digit days. Is that</p> <p>4 right? Wasn't that one of the successes of the</p> <p>5 pilot project from your recollection?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A Yes, but the reduction in turn-around</p> <p>9 time days, turn-around time for reports, applied to</p> <p>10 all of the clinics, not just Queens.</p> <p>11 Q All of them. What happened? Why was</p> <p>12 there now this dramatic reduction in turn around?</p> <p>13 MS. CANFIELD: Objection you.</p> <p>14 Can answer.</p> <p>15 A I believe that with the consolidation of</p> <p>16 management and support to the clinics, to CHS, that</p> <p>17 we were able to provide them with the resources that</p> <p>18 they need to do their jobs.</p> <p>19 Q Now, could you explain what, I guess,</p> <p>20 doing an exam would entail?</p> <p>21 For example, you have the judge</p> <p>22 administering an order for a 730 exam, for example,</p> <p>23 to take place for a defendant to stand -- whether or</p> <p>24 not he is competent, you know. Right? Whether or</p> <p>25 not he is fit or unfit.</p>	<p style="text-align: right;">Page 72</p> <p>1 Patricia Yang</p> <p>2 Q But if it came from another hospital or</p> <p>3 other facilities, there wouldn't be any control, am</p> <p>4 I right?</p> <p>5 A If it were outside of Health and</p> <p>6 Hospitals, correct.</p> <p>7 Q Right. So how do you make a</p> <p>8 determination -- how do you suggest that Health and</p> <p>9 Hospitals -- I mean CHS would control, for example,</p> <p>10 the turn-around when it came to the production of</p> <p>11 medical records?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 You can answer.</p> <p>14 A So in my capacity as a senior vice</p> <p>15 president of Health and Hospitals, and with the</p> <p>16 consolidation of the clinics to CHS, one of the</p> <p>17 other system things that I did was I worked with the</p> <p>18 CEOs of Bellevue and Elmhurst Hospitals, and with my</p> <p>19 own staff, created a streamlined process, dedicated</p> <p>20 accounts for receiving requests, flagging those</p> <p>21 requests as coming from the court clinics, to</p> <p>22 expedite production and return of those records to</p> <p>23 the clinics.</p> <p>24 Q So you said filling of vacancies. Now,</p> <p>25 at what point -- I guess let's try to go into the</p>
<p style="text-align: right;">Page 71</p> <p>1 Patricia Yang</p> <p>2 Let me correct that.</p> <p>3 So you have a judge issuing the order.</p> <p>4 Then the director or the evaluator would have to</p> <p>5 order medical records; is that right?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A That's my understanding.</p> <p>9 Q And then after the director orders the</p> <p>10 medical records, right, then what happens? Do they</p> <p>11 have control as to when the medical records would</p> <p>12 arrive?</p> <p>13 A No.</p> <p>14 Q So how does that fit into this process?</p> <p>15 Where do the medical records come from to begin</p> <p>16 with?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer.</p> <p>19 A They can come from a hospital or they can</p> <p>20 come from Correctional Health Services.</p> <p>21 Q So if it came if Correctional Health</p> <p>22 Services, the standard reason there would be some</p> <p>23 more control as to when, you know -- I guess the</p> <p>24 speed, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 Patricia Yang</p> <p>2 staffing at the Bronx clinic.</p> <p>3 At one point, you said you met Dr. Kaye</p> <p>4 and Dr. Winkler at the Bronx clinic, right?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A I think that Winkler was probably there</p> <p>8 as part of the team that I met with.</p> <p>9 Q Right. And at some point, did it ever</p> <p>10 come to your knowledge that he was no longer there?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer.</p> <p>13 A Dr. Winkler accepted a position in our --</p> <p>14 to head up our Brooklyn clinic.</p> <p>15 Q And who replaced Dr. Winkler?</p> <p>16 A I don't know. I don't have a name.</p> <p>17 Q Do you know -- so you are not sure if he</p> <p>18 was ever replaced at the Bronx clinic?</p> <p>19 A So I thought -- I am not clear that he</p> <p>20 was in the Bronx clinic. I know that he now heads</p> <p>21 up our Brooklyn clinic.</p> <p>22 I know that Dr. Mundy also worked. I</p> <p>23 think he might have been in the Bronx. He also</p> <p>24 accepted a position --</p> <p>25 Part of the streamlining that we did --</p>

<p style="text-align: right;">Page 74</p> <p>1 Patricia Yang</p> <p>2 and when I say streamlining, to make it one unified</p> <p>3 service, rather than four distinct clinics -- was to</p> <p>4 shore up the directorship of each clinic, so each</p> <p>5 clinic had its own director. That was true in the</p> <p>6 Bronx, but it was not true, for example, in Queens</p> <p>7 and Brooklyn.</p> <p>8 So we created and recruited for directors</p> <p>9 of each of the clinics that didn't have one.</p> <p>10 Dr. Mundy accepted the position for Manhattan and</p> <p>11 Winkler went to Brooklyn.</p> <p>12 Q And who was in Queens?</p> <p>13 A Owens.</p> <p>14 Q Dr. Owens?</p> <p>15 A Yes.</p> <p>16 Q And then you had Dr. Kaye in Bronx?</p> <p>17 A Correct.</p> <p>18 Q Now, to be clear, because you had the 390</p> <p>19 and the 730 exams, how many actual psychiatrists or</p> <p>20 psychologists would be necessary to be at a given</p> <p>21 center for it to be fully staffed?</p> <p>22 A I don't have the ability to answer</p> <p>23 that. I rely on the staff requests and analysis of</p> <p>24 those requests and recommendations to me.</p> <p>25 Q Now, to get back, the 730s, you are aware</p>	<p style="text-align: right;">Page 76</p> <p>1 Patricia Yang</p> <p>2 Winkler applied and got appointed to head up the</p> <p>3 Brooklyn clinic, and Mundy applied and got appointed</p> <p>4 to head up the Manhattan clinic.</p> <p>5 Q Who is responsible for staffing the</p> <p>6 various clinics?</p> <p>7 A The clinic directors reporting to</p> <p>8 Dr. Jain, reporting to Dr. Ford, reporting to</p> <p>9 Dr. MacDonald, reporting to me.</p> <p>10 Q And when was Dr. Jain hired?</p> <p>11 A I don't recall.</p> <p>12 Q Who hired Dr. Jain?</p> <p>13 A We did.</p> <p>14 Q Who is "we"?</p> <p>15 A We, Elizabeth Ford, Ross MacDonald, and I</p> <p>16 approved it. But I rely on my chiefs of service and</p> <p>17 my Chief Medical Officer to make those</p> <p>18 recommendations and selections.</p> <p>19 Q Okay. So Jain was -- you approved it</p> <p>20 ultimately?</p> <p>21 A Ultimately.</p> <p>22 Q So for the directors, who had final</p> <p>23 hiring authority?</p> <p>24 A Ultimately, I signed the papers.</p> <p>25 Q Okay. And you had the ability to affect</p>
<p style="text-align: right;">Page 75</p> <p>1 Patricia Yang</p> <p>2 that they have to be administered by two different</p> <p>3 people, either two psychologists or two</p> <p>4 psychiatrists; is that right?</p> <p>5 A That's my understanding.</p> <p>6 Q Right. And then the 390, ideally that</p> <p>7 would be administered by someone else; am I right?</p> <p>8 A I can't answer that.</p> <p>9 Q So are you not sure?</p> <p>10 A Correct.</p> <p>11 Q So would it be fair that, to have a</p> <p>12 fully-staffed clinic, it would have to be either two</p> <p>13 or three psychiatrists or psychologists at any given</p> <p>14 site?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 A I don't know how to answer that.</p> <p>18 Q What do you mean?</p> <p>19 I mean, you are saying that you were</p> <p>20 making sure that these vacancies were filled at the</p> <p>21 various clinics, right?</p> <p>22 You said that Dr. Winkler, he left the</p> <p>23 Bronx clinic; is that right?</p> <p>24 A I don't recall if Winkler was in the</p> <p>25 Bronx or Mundy was in the Bronx. I do know that</p>	<p style="text-align: right;">Page 77</p> <p>1 Patricia Yang</p> <p>2 the conditions of the employment; am I right?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer.</p> <p>5 A Ultimately.</p> <p>6 Q So did you do the evaluations?</p> <p>7 A No.</p> <p>8 Q Who did the evaluations?</p> <p>9 A Dr. Jain.</p> <p>10 Q And who evaluated Dr. Jain, Dr. Ford?</p> <p>11 A Yes.</p> <p>12 Q Did Dr. MacDonald evaluate Dr. Ford?</p> <p>13 A Yes.</p> <p>14 Q Okay. And, of course, you evaluated</p> <p>15 Dr. MacDonald, right?</p> <p>16 A Correct.</p> <p>17 Q Now, at any point in this, I guess, line</p> <p>18 of authority that we just went through, if there was</p> <p>19 a complaint of discrimination, who would that go to?</p> <p>20 A It could go to anybody.</p> <p>21 Q So for example, if there is a complaint</p> <p>22 of discrimination, of pay disparity -- which is why</p> <p>23 we are here to begin with. Dr. Kaye complained that</p> <p>24 she wasn't being paid the same as the men amongst</p> <p>25 the directors. You recall that complaint; am I</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 Patricia Yang</p> <p>2 right?</p> <p>3 A I don't recall that complaint relative to</p> <p>4 the court clinics. I do recall that she had that</p> <p>5 complaint at Bellevue.</p> <p>6 Q Okay. Did Dr. Kaye ever complain to you</p> <p>7 about her pay?</p> <p>8 A She asked for my assistance before the</p> <p>9 court clinics came over to me.</p> <p>10 Q What did you do?</p> <p>11 A I understood that it was a Bellevue</p> <p>12 situation. I called the Bellevue CEO.</p> <p>13 Q Who was that?</p> <p>14 A William Hicks. And I alerted him to the</p> <p>15 complaint that I got from Dr. Kaye, since it was</p> <p>16 relative to his operation, and I e-mailed him her</p> <p>17 concern, and she thanked me for help helping her.</p> <p>18 Q It was resolved at that point?</p> <p>19 A My understanding is that it was resolved.</p> <p>20 Q So did she ever -- she never complained</p> <p>21 to you again after you referred her to Dr. Hicks?</p> <p>22 A I became aware -- I think she filed a</p> <p>23 complaint. I don't remember if it was an EEO</p> <p>24 complaint or wherever she filed it, and I was</p> <p>25 surprised because I had been assured by Mr. Hicks</p>	<p style="text-align: right;">Page 80</p> <p>1 Patricia Yang</p> <p>2 your budget or Mr. Hicks' budget?</p> <p>3 A It would not have come out of my budget</p> <p>4 for the resolution of a Bellevue issue.</p> <p>5 Q Do you remember when this was resolved?</p> <p>6 A It would have been before she came over.</p> <p>7 Q Which is when?</p> <p>8 A The court clinics -- 2018. So the</p> <p>9 clinics were going to come over in April, but</p> <p>10 because Dr. Kaye wanted her retention bonus, she</p> <p>11 needed to stay --</p> <p>12 It is this agreement or something, a</p> <p>13 negotiated agreement, specifically for Bellevue</p> <p>14 psychiatry. And if you are there -- you have to be</p> <p>15 there until June 30th to get a retention bonus for</p> <p>16 the preceding fiscal year.</p> <p>17 So Queens and Brooklyn came over to us in</p> <p>18 April, and we delayed the Bellevue moves, the</p> <p>19 Bellevue clinic moves, until July 1st so Dr. Kaye</p> <p>20 could get her bonus.</p> <p>21 Q So you said you delayed the move so they</p> <p>22 could do their bonuses. Was that the way the salary</p> <p>23 disparity was resolved?</p> <p>24 A No. That has nothing to do with it.</p> <p>25 Q So what do you mean? How did you make</p>
<p style="text-align: right;">Page 79</p> <p>1 Patricia Yang</p> <p>2 that it had been resolved.</p> <p>3 Q How was it resolved, do you know?</p> <p>4 A No, I don't.</p> <p>5 Q So you don't know if Dr. Kaye's complaint</p> <p>6 was resolved or not?</p> <p>7 A I was assured by the Chief Executive</p> <p>8 Officer of Bellevue Hospital Center that it had been</p> <p>9 taken care of.</p> <p>10 Q Which is Dr. Hicks?</p> <p>11 A Yes. Mr. Hicks.</p> <p>12 Q Mr. Hicks. I'm sorry. There are so many</p> <p>13 doctors involved. I'm sorry.</p> <p>14 A I know.</p> <p>15 Q I was trying to be deferential.</p> <p>16 So Mr. Hicks, did he provide you with</p> <p>17 anything in writing that said this was resolved for</p> <p>18 Dr. Kaye?</p> <p>19 A There might have been an e-mail or a</p> <p>20 phone call, but I did follow up with him.</p> <p>21 Q Do you know how it was resolved?</p> <p>22 A No.</p> <p>23 Q Do you know who paid for it?</p> <p>24 A No.</p> <p>25 Q So you are not sure if it came out of</p>	<p style="text-align: right;">Page 81</p> <p>1 Patricia Yang</p> <p>2 the distinction between it being resolved -- how do</p> <p>3 you make a distinction between the longevity and</p> <p>4 retention bonus and then Dr. Kaye's salary actually</p> <p>5 being increased?</p> <p>6 A Because they are unrelated.</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 Q So explain.</p> <p>9 A There is a retention bonus if you stay</p> <p>10 until the end of the fiscal year at Bellevue</p> <p>11 psychiatry versus her allegations about pay</p> <p>12 disparities at Bellevue.</p> <p>13 Q So do you recall how much Dr. Kaye was</p> <p>14 being paid in comparison to her male comparatives?</p> <p>15 A I do not.</p> <p>16 Q In 2018, you believe that this one-time</p> <p>17 payment resolved the issue?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 A No. That's not what I said.</p> <p>20 Q Okay. Explain.</p> <p>21 A The one-time payment was a retention</p> <p>22 bonus for her if she stayed on the Bellevue payroll</p> <p>23 until -- through June 30th.</p> <p>24 Q Okay. So you don't know her salary in</p> <p>25 comparison to her male comparators at all?</p>

<p style="text-align: right;">Page 82</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A That was a Bellevue matter.</p> <p>4 Q Now she is under your management. What</p> <p>5 happened then?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A I am not aware of a disparity, a</p> <p>9 gender-based disparity, in her pay as a court clinic</p> <p>10 director.</p> <p>11 What we did do, as another accommodation</p> <p>12 to Dr. Kaye, was that -- all of the other three</p> <p>13 directors are management positions. She did not</p> <p>14 want to become a manager. She wanted to stay</p> <p>15 unionized. So I agreed to permit her to stay in her</p> <p>16 union title, as an Attending Physician, which is a</p> <p>17 different pay grade, pay structure. But my</p> <p>18 understanding is that it is -- it is almost -- there</p> <p>19 is no great disparity there.</p> <p>20 Q So you say there is no great disparity.</p> <p>21 Would you testify that all four of the directors</p> <p>22 have the same salary?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Similar.</p>	<p style="text-align: right;">Page 84</p> <p>1 Patricia Yang</p> <p>2 position so that he could get a higher salary; is</p> <p>3 that right?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A So he could accept the position as a</p> <p>7 manager of the clinic in Manhattan.</p> <p>8 Q Was Dr. Kaye ever offered the management</p> <p>9 position in writing?</p> <p>10 A My HR people would know that, but I am</p> <p>11 sure she was.</p> <p>12 Q Who would know?</p> <p>13 A My Human Resources people.</p> <p>14 Q Is that Miss Laboy?</p> <p>15 A Right now, it is Miss Laboy, but at that</p> <p>16 point in time, it was probably Jonathan Wangel?</p> <p>17 Q At any point, did Dr. Kaye put in writing</p> <p>18 that she was complaining about pay disparity to you?</p> <p>19 A Yes.</p> <p>20 Q What did you say to her?</p> <p>21 A I offered to help her with Bellevue, and</p> <p>22 she thanked me for that.</p> <p>23 Q At any point, did you craft an e-mail</p> <p>24 making reference to removing the elephantine</p> <p>25 reference that Dr. Ford mentioned to her?</p>
<p style="text-align: right;">Page 83</p> <p>1 Patricia Yang</p> <p>2 Q Are they the same?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A I don't know.</p> <p>5 Q Would it be fair to say that Dr. Kaye is</p> <p>6 the most senior amongst the four directors?</p> <p>7 A I don't know.</p> <p>8 Q You don't know when Dr. Kaye started?</p> <p>9 A I don't know. She would have started</p> <p>10 Bellevue and Ms. Owens would have started in Queens</p> <p>11 and Kings.</p> <p>12 Q So are you not sure who amongst the</p> <p>13 doctors, amongst the directors, who was there the</p> <p>14 longest?</p> <p>15 A Between Dr. Owens and Dr. Kaye, no.</p> <p>16 Q What about Dr. Kaye and Dr. Mundy?</p> <p>17 A Mundy and --</p> <p>18 Q And Dr. Kaye?</p> <p>19 A Mundy would have been -- Mundy we</p> <p>20 appointed as a director, so he is more recent. I</p> <p>21 believe he was also at Bellevue, and he forewent his</p> <p>22 retention bonus to take the management job in</p> <p>23 Manhattan.</p> <p>24 Q So you are saying that Dr. Mundy</p> <p>25 abdicated, for lack of a better word, his union</p>	<p style="text-align: right;">Page 85</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A I don't recall.</p> <p>4 Q You never used the term "elephantine" at</p> <p>5 all?</p> <p>6 A I don't recall.</p> <p>7 Q At any point -- let's back up.</p> <p>8 Had you heard any complaints about</p> <p>9 Dr. Kaye?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 You can answer.</p> <p>12 A Sure.</p> <p>13 Q What did you hear?</p> <p>14 A Not so much that -- well, they are not</p> <p>15 nice things.</p> <p>16 Q No, no. We are here. We've got to get</p> <p>17 them out.</p> <p>18 What did you hear about Dr. Kaye?</p> <p>19 A Generally, the sense was that she is</p> <p>20 difficult.</p> <p>21 Q What do you mean by difficult?</p> <p>22 A Difficult. So for example, she --</p> <p>23 staff -- there were issues with retaining staff in</p> <p>24 the Bronx clinic, that there were particular issues</p> <p>25 that she wanted in terms of release of information,</p>

<p style="text-align: right;">Page 86</p> <p>1 Patricia Yang</p> <p>2 in terms of collegial work, collegiality.</p> <p>3 Q So let's go back. You said the first</p> <p>4 thing was retaining staff, there was problems</p> <p>5 retaining staff.</p> <p>6 Who told you there were problems</p> <p>7 retaining staff in the Bronx?</p> <p>8 A My staff.</p> <p>9 Q And that was Dr. MacDonald and Dr. Ford?</p> <p>10 A And Ms. Laboy and Mr. Wangel.</p> <p>11 Q So these three people reported to you</p> <p>12 that Dr. Kaye was having problems retaining staff?</p> <p>13 A Not that Dr. Kaye was having problems</p> <p>14 retaining staff, but there were problems recruiting</p> <p>15 and retaining staff in the Bronx.</p> <p>16 Q So at first -- but you are not sure who</p> <p>17 was in the Bronx; am I right?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 You can answer.</p> <p>20 A Correct.</p> <p>21 Q And at any point when this was brought to</p> <p>22 your attention, did you ask any of your staff to</p> <p>23 follow up with Dr. Kaye as to what was the problem,</p> <p>24 why couldn't she retain staff in the Bronx?</p> <p>25 A I'm sure Dr. Jain and Dr. Ford may have</p>	<p style="text-align: right;">Page 88</p> <p>1 Patricia Yang</p> <p>2 collegiality. What do you mean by that?</p> <p>3 A So I know that she, Dr. Kaye, wanted to</p> <p>4 stay at Bellevue and not come over. That was before</p> <p>5 the transition and also after the transition.</p> <p>6 I attempted, as a senior vice president</p> <p>7 of the system, to try and secure her position back,</p> <p>8 a position back with Bellevue, or even elsewhere in</p> <p>9 the system, and nobody would entertain that.</p> <p>10 Q Why not?</p> <p>11 A They wouldn't give me reasons why.</p> <p>12 Q Who was nobody?</p> <p>13 A Nobody are the various people in the</p> <p>14 hospital systems or in central.</p> <p>15 Q Let's be specific. Who?</p> <p>16 I mean, this is not the time to be</p> <p>17 polite. Who would not work with Dr. Kaye?</p> <p>18 A The Bellevue psychiatry people.</p> <p>19 Q Who was that?</p> <p>20 A They didn't want her back.</p> <p>21 Q Who were the Bellevue psychiatry people?</p> <p>22 A I don't know that -- I didn't have those</p> <p>23 conversations directly. I would have them with the</p> <p>24 Chief Executive Officers who would ask their staff.</p> <p>25 Q Who were the Chief Executive Officers?</p>
<p style="text-align: right;">Page 87</p> <p>1 Patricia Yang</p> <p>2 had conversations with her.</p> <p>3 Q Did this impact the performance of the</p> <p>4 Bronx?</p> <p>5 A It would have, but then the job of Ford</p> <p>6 and MacDonald and -- more Ford and Jain, is to</p> <p>7 reorganize staff, assign people to provide cover.</p> <p>8 Sometimes Dr. Jain would go and do evaluations on</p> <p>9 his own.</p> <p>10 Q Were there complaints about the turn-</p> <p>11 around and the reports in the Bronx?</p> <p>12 A I don't recall specific complaints about</p> <p>13 specific turn-around times of the clinics.</p> <p>14 Overall, the goal was to streamline the</p> <p>15 process by giving resources, taking a look at the</p> <p>16 process, working with DOC, trying to work with the</p> <p>17 courts, so that reports could be done in a more</p> <p>18 timely manner.</p> <p>19 Q Were there ever complaints about</p> <p>20 Dr. Kaye's performance as a director?</p> <p>21 A I don't recall.</p> <p>22 Q Were there any complaints about the</p> <p>23 quality of the reports that she administered?</p> <p>24 A I don't recall.</p> <p>25 Q You mentioned something about</p>	<p style="text-align: right;">Page 89</p> <p>1 Patricia Yang</p> <p>2 A William Hicks.</p> <p>3 Q So Mr. Hicks would tell you that his</p> <p>4 staff did not want to work with Dr. Kaye anymore?</p> <p>5 A Not anymore, but that they did not have a</p> <p>6 position for her.</p> <p>7 Q That's what Mr. Hicks told you?</p> <p>8 A That his staff -- that his chiefs -- his</p> <p>9 psychiatry folks didn't have a position.</p> <p>10 Q Did you try to get or secure Dr. Kaye a</p> <p>11 position with Bellevue on more than one occasion?</p> <p>12 A I made more than one inquiry.</p> <p>13 Q Now, you presided over all of these</p> <p>14 hospitals; am I right?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A Incorrect.</p> <p>17 Q You didn't any, I guess, authority over</p> <p>18 Mr. Hicks?</p> <p>19 A Correct.</p> <p>20 Q So were there any other options, besides</p> <p>21 Bellevue, for Dr. Kaye, if that's an instance?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 You can answer.</p> <p>24 A Miss Greenfield and the systems Human</p> <p>25 Resources person were aware that Dr. Kaye seemed to</p>

<p style="text-align: right;">Page 90</p> <p>1 Patricia Yang</p> <p>2 be unhappy with us and that she was seeking another</p> <p>3 position and if they could assist. That's about all</p> <p>4 I can do there.</p> <p>5 Q Now, you also said that there were other</p> <p>6 issues when you were talking about Dr. Kaye and</p> <p>7 reports. Could you elaborate?</p> <p>8 A I did.</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 Q You mentioned -- you rattled off</p> <p>11 retaining staff. She had problems retaining staff.</p> <p>12 That's what you said. The Bronx clinic had problems</p> <p>13 retaining staff.</p> <p>14 You also said Dr. Kaye had issues with</p> <p>15 collegiality?</p> <p>16 A Correct.</p> <p>17 Q Exactly what did you mean by</p> <p>18 collegiality? Had you heard any other complaints</p> <p>19 about Dr. Kaye?</p> <p>20 A No. I mean, people -- she writes a lot</p> <p>21 of e-mails, raises issues that we thought had been</p> <p>22 resolved. So that's not a problem. The problem</p> <p>23 there was that we couldn't find a position for her</p> <p>24 elsewhere in the system.</p> <p>25 Q Would you say that Dr. Kaye annoyed you</p>	<p style="text-align: right;">Page 92</p> <p>1 Patricia Yang</p> <p>2 coming up.</p> <p>3 Q What issue?</p> <p>4 A Her pay disparity at Bellevue.</p> <p>5 Q What about her hours?</p> <p>6 A The hours, I know that my staff had</p> <p>7 talked to her. I'm not sure if the unions did.</p> <p>8 My recollection of the hour issue is,</p> <p>9 because she remained in her union title, that title</p> <p>10 requires somebody to work a total of forty-five</p> <p>11 hours a week, with an hour lunch break each day.</p> <p>12 So she was given the option to choose --</p> <p>13 I don't know, a start between eight and nine or --</p> <p>14 and to five or six, and I think -- I forgot what she</p> <p>15 choose. I think she chose eight to five.</p> <p>16 Q Who told you she was required to work</p> <p>17 forty-five hours?</p> <p>18 A It is in the collective bargaining</p> <p>19 contract.</p> <p>20 Q So you read the collective bargaining</p> <p>21 agreement?</p> <p>22 A My HR labor person, Mr. Wangel.</p> <p>23 Q And Mr. Wangel advised you that she had</p> <p>24 to work forty-five hours?</p> <p>25 A Correct, per the contract.</p>
<p style="text-align: right;">Page 91</p> <p>1 Patricia Yang</p> <p>2 at any point?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer.</p> <p>5 A She did not annoy me. The repeated</p> <p>6 issues were annoying.</p> <p>7 Q Why?</p> <p>8 A Because I thought they had been resolved.</p> <p>9 Q Why? Let's say they hadn't been resolved</p> <p>10 and she was raising them again because they hadn't</p> <p>11 been resolved. Would be it fair to say that she had</p> <p>12 the right to do that, if they hadn't been resolved?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A Yes.</p> <p>15 Q So maybe you had been wrong in assuming</p> <p>16 they had been resolved.</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 Q Is that right?</p> <p>19 A That is possible.</p> <p>20 Q Nevertheless, you were annoyed because</p> <p>21 you kept seeing these e-mails; am I right?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 A Correct.</p> <p>24 Q Okay. Explain.</p> <p>25 A It was annoying that the issue kept</p>	<p style="text-align: right;">Page 93</p> <p>1 Patricia Yang</p> <p>2 Q Was there ever a time that you were aware</p> <p>3 that Dr. Kaye asked for reasonable accommodation to</p> <p>4 care for her son?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 A Indirectly, yes.</p> <p>7 Q And what happened?</p> <p>8 A I was advised by the labor -- my labor</p> <p>9 and the systems labor people that we need to comply</p> <p>10 with the contract, the terms of the contract.</p> <p>11 Q Okay. Was there a time that you became</p> <p>12 aware that Dr. Kaye asked for FMLA to care for her</p> <p>13 son?</p> <p>14 A I am aware of it.</p> <p>15 Q What part did you have in that?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A None.</p> <p>18 Q So did Dr. Kaye ever complain to you</p> <p>19 about being treated unfairly because she had to take</p> <p>20 care of her son?</p> <p>21 A I don't recall if I got an e-mail about</p> <p>22 that.</p> <p>23 Q Had anybody ever complained about FMLA</p> <p>24 usage to you in the past?</p> <p>25 MS. CANFIELD: Objection.</p>

<p style="text-align: right;">Page 94</p> <p>1 Patricia Yang</p> <p>2 You can answer.</p> <p>3 A Not to my recollection. It is not</p> <p>4 something that would get to me.</p> <p>5 Q Has anyone ever named you in an EEOC</p> <p>6 complaint before?</p> <p>7 A I may have been.</p> <p>8 Q Are you aware of a Nicole Adams Flores</p> <p>9 complaining about you?</p> <p>10 A Yes. Thank you. Yes.</p> <p>11 Q What do you remember about that?</p> <p>12 A I believe I was one of several people</p> <p>13 named by her for a number of reasons.</p> <p>14 Q Do you recall her ever mentioning whether</p> <p>15 or not she complained about you and her usage of</p> <p>16 FMLA time?</p> <p>17 A I don't.</p> <p>18 MS. CANFIELD: Counsel, when you get a</p> <p>19 place we can take a break --</p> <p>20 MS. HAGAN: We can take a break.</p> <p>21 (Whereupon, a discussion was held off</p> <p>22 the record.)</p> <p>23 Q Before we take a break, why don't we do</p> <p>24 this. I want to show you what would be marked as</p> <p>25 Plaintiff's Exhibit 3.</p>	<p style="text-align: right;">Page 96</p> <p>1 Patricia Yang</p> <p>2 refresh my memory about this.</p> <p>3 MS. HAGAN: No problem. Whenever you</p> <p>4 are ready.</p> <p>5 (Pause in the proceedings.)</p> <p>6 THE WITNESS: Okay.</p> <p>7 BY MS. HAGAN:</p> <p>8 Q Now that you had an opportunity to review</p> <p>9 the document, Patsy, does it refresh your</p> <p>10 recollection at all?</p> <p>11 A A bit.</p> <p>12 Q Okay. Now, I guess to kind of put this</p> <p>13 in context, how do you know Mrs. Adams Flores?</p> <p>14 A She did work for Corizon. And Dr. Ford,</p> <p>15 back at the City Hall department, or Dr. Venters, at</p> <p>16 that point in time, did appoint -- you know, move</p> <p>17 her to one of our therapeutic housing units, or PACE</p> <p>18 units, and then she accepted a position at the</p> <p>19 Department of Correction.</p> <p>20 Q Now, when she moved from Corizon to</p> <p>21 Department of Correction, were you still her</p> <p>22 manager, in effect?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Remotely, yeah.</p>
<p style="text-align: right;">Page 95</p> <p>1 Patricia Yang</p> <p>2 (A document entitled "Charge of</p> <p>3 Discrimination," Bates stamped KAYE000364</p> <p>4 through KAYE000366, was received and marked</p> <p>5 Plaintiff's Exhibit 3 for identification at</p> <p>6 this time.)</p> <p>7 (Whereupon, a discussion was held off</p> <p>8 the record.)</p> <p>9 (Whereupon, a short recess was taken at</p> <p>10 this time.)</p> <p>11 MS. HAGAN: I'm going to show defendant</p> <p>12 what has been marked as Plaintiff's</p> <p>13 Exhibit 3, and that's Bates stamped KAYE364</p> <p>14 through 366.</p> <p>15 For the record, what has been marked</p> <p>16 KAYE364 through 66 is Miss Nicole or Anna</p> <p>17 Nicole Flores's Charge of Discrimination</p> <p>18 with the EEOC.</p> <p>19 I would like to draw your attention to</p> <p>20 the last paragraph on page 366. When you</p> <p>21 have an opportunity to read the entire</p> <p>22 paragraph, just let me know.</p> <p>23 THE WITNESS: Sure.</p> <p>24 (Pause in the proceedings.)</p> <p>25 THE WITNESS: I'm sorry. I have to</p>	<p style="text-align: right;">Page 97</p> <p>1 Patricia Yang</p> <p>2 Q Now, Dr. Flores, you are familiar with</p> <p>3 her professional background; am I right?</p> <p>4 A She is a psychologist.</p> <p>5 Q Right. Do you recall at the time her</p> <p>6 asking you for a reasonable accommodation?</p> <p>7 A That wouldn't have come to me. It would</p> <p>8 have come to one of the staff.</p> <p>9 Q Do you remember who her supervisor was at</p> <p>10 the time?</p> <p>11 A She would have reported to Corizon, up</p> <p>12 Corizon's chain, which would have been a contract</p> <p>13 that was overseen by the health department staff.</p> <p>14 Q At any point, did you deny Dr. Flores'</p> <p>15 application for a reasonable accommodation, as she</p> <p>16 alleges here?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer.</p> <p>19 A I can't recall. I wouldn't have done</p> <p>20 that directly, but I can't recall the specifics of</p> <p>21 the request.</p> <p>22 Q What was your opinion of Dr. Flores, in</p> <p>23 general?</p> <p>24 A I didn't really have one.</p> <p>25 Q So did you ever work with her?</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Patricia Yang</p> <p>2 A Not directly, but I would recognize her.</p> <p>3 She would recognize me. We would exchange</p> <p>4 greetings. She became the head of Health Affairs,</p> <p>5 which in and of itself is an odd grouping within the</p> <p>6 Department of Correction.</p> <p>7 Q Did you ever speak to any of your</p> <p>8 colleagues about Dr. Flores?</p> <p>9 A We all did.</p> <p>10 Q What did you speak about?</p> <p>11 A What Nicole was asking for, what we</p> <p>12 needed to say, what we needed to do.</p> <p>13 Q What was she asking for?</p> <p>14 A I mean, just the course of business.</p> <p>15 Q Did you ever complain about her</p> <p>16 performance?</p> <p>17 A That wasn't for me to say.</p> <p>18 Q Did you ever have a part in denying her</p> <p>19 request for a reasonable accommodation?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 You can answer.</p> <p>22 A I don't recall having -- that I would do</p> <p>23 that directly.</p> <p>24 Q Indirectly?</p> <p>25 A Indirectly, if staff made a</p>	<p style="text-align: right;">Page 100</p> <p>1 Patricia Yang</p> <p>2 A One Commissioner and several Deputy</p> <p>3 Commissioners, and my contact is the Commissioner.</p> <p>4 Q Did you speak to any other Deputy</p> <p>5 Commissioners?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A Probably, yes.</p> <p>9 Q So why wouldn't you speak to Dr. Flores,</p> <p>10 if you spoke to the other Deputy Commissioners?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 A So I'm not sure, because this is a</p> <p>13 different case, but, certainly, I talked to</p> <p>14 Dr. Adams Flores.</p> <p>15 Q At any point, were you aware that she was</p> <p>16 pregnant?</p> <p>17 A Sure.</p> <p>18 Q And are you aware that she was requesting</p> <p>19 accommodations because she was having a difficult</p> <p>20 pregnancy?</p> <p>21 A I think Dr. Ford let me know that.</p> <p>22 Q Was Dr. Ford ultimately responsible for</p> <p>23 denying the reasonable accommodation request?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>
<p style="text-align: right;">Page 99</p> <p>1 Patricia Yang</p> <p>2 recommendation to me. I don't recall the specifics</p> <p>3 of this enough. I haven't read this in a couple</p> <p>4 years.</p> <p>5 Q So you don't recall the specifics of what</p> <p>6 happened, what Dr. Flores alleges here?</p> <p>7 A I do remember that I was -- I recall that</p> <p>8 I was characterized as a white Asian, which I am</p> <p>9 not.</p> <p>10 I know that she -- I recognize and I</p> <p>11 recall that she believed that I should have only</p> <p>12 been talking to her, and that was a misconception on</p> <p>13 her part and the department's part.</p> <p>14 Q Really?</p> <p>15 A Yes.</p> <p>16 Q Why is she wrong?</p> <p>17 A Health Affairs -- she was not the sole</p> <p>18 point of contact for Correctional Health Services to</p> <p>19 the Department of Correction.</p> <p>20 Q But she was Deputy Commissioner?</p> <p>21 A There are many Deputy Commissioners.</p> <p>22 Q What was your title at that time?</p> <p>23 A Senior vice president.</p> <p>24 Q So there would be a Commissioner and a</p> <p>25 Deputy Commissioner, correct?</p>	<p style="text-align: right;">Page 101</p> <p>1 Patricia Yang</p> <p>2 A I don't know who is ultimately</p> <p>3 responsible for approving FMLA. I believe it is the</p> <p>4 system.</p> <p>5 Q What about the reasonable accommodation?</p> <p>6 A I think that's also a system decision.</p> <p>7 Q So have you ever been trained in EEO</p> <p>8 since you have been -- in your current capacity as</p> <p>9 senior vice president?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 You can answer.</p> <p>12 A Yes.</p> <p>13 Q How was that training?</p> <p>14 A We are all required to do the training,</p> <p>15 either in person or online.</p> <p>16 Q What kind of training did you have?</p> <p>17 A I believe it was online.</p> <p>18 Q And when did you have the training?</p> <p>19 A I don't recall.</p> <p>20 Q Was it this year?</p> <p>21 MS. CANFIELD: Objection. 2000 --</p> <p>22 Q 2020?</p> <p>23 MS. CANFIELD: 2020?</p> <p>24 MS. HAGAN: Yes.</p> <p>25 A No.</p>

<p style="text-align: right;">Page 102</p> <p>1 Patricia Yang</p> <p>2 Q Did you have any in 2019?</p> <p>3 A I would have to check.</p> <p>4 Q And do you remember if you had computer</p> <p>5 training or live training?</p> <p>6 A Probably computer.</p> <p>7 Q And this was something that is</p> <p>8 administered through H and H?</p> <p>9 A Yes, correct.</p> <p>10 Q And you would have taken this at your</p> <p>11 desk?</p> <p>12 A Correct.</p> <p>13 Q And how often would you have had this</p> <p>14 training?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A I believe these are annual or semiannual</p> <p>17 requirements. I don't know.</p> <p>18 Q So there would be some kind of record</p> <p>19 that you actually completed the training?</p> <p>20 A There should be.</p> <p>21 Q How would it measure that you actually</p> <p>22 grasped the concept? Was there some type of test?</p> <p>23 A Yes.</p> <p>24 Q And you had to pass it in order for you</p> <p>25 to have a certificate of completion; is that right?</p>	<p style="text-align: right;">Page 104</p> <p>1 Patricia Yang</p> <p>2 Q Okay.</p> <p>3 A There is a whole set of trainings that</p> <p>4 you do.</p> <p>5 Q Like an onboarding process?</p> <p>6 A Correct.</p> <p>7 Q Now, who is the EEO officer at H and H?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 You can answer.</p> <p>10 A I actually don't know who is in charge</p> <p>11 for the system. I know who to talk to.</p> <p>12 Q Who?</p> <p>13 A I mean, I talk to my people. I will talk</p> <p>14 to the Office of Legal Affairs. I will talk to</p> <p>15 Labor Relations. I will talk to compliance,</p> <p>16 corporate compliance.</p> <p>17 Q But you have never spoken to the EEO</p> <p>18 officer?</p> <p>19 MS. CANFIELD: Okay.</p> <p>20 A I never had the need to.</p> <p>21 Q When you get an EEO complaint, you don't</p> <p>22 report to the EEO office?</p> <p>23 A That's handled by my staff.</p> <p>24 Q But if someone complaints to you</p> <p>25 directly, wouldn't you refer it to the EEO office?</p>
<p style="text-align: right;">Page 103</p> <p>1 Patricia Yang</p> <p>2 A Correct.</p> <p>3 Q How many times would you say that you</p> <p>4 completed this training?</p> <p>5 A After the initial in-person Human</p> <p>6 Resources orientation when I came over in 2015, I</p> <p>7 don't know.</p> <p>8 Q Would you say once a year since 2015?</p> <p>9 A I have to -- there are so many required</p> <p>10 trainings that we have to do annually or</p> <p>11 semiannually. I don't recall. But when I am</p> <p>12 prompted, I take them.</p> <p>13 MS. HAGAN: I call for the production of</p> <p>14 the certificates of completion for</p> <p>15 Dr. Yang's EEO training.</p> <p>16 MS. CANFIELD: If you put it in writing,</p> <p>17 we will take it under advisement.</p> <p>18 MS. HAGAN: Sure.</p> <p>19 Q At any point, did you complete live</p> <p>20 training? Like did someone physically train you</p> <p>21 about various aspects of diversity and EEO?</p> <p>22 A Ever? Certainly.</p> <p>23 Q Well, since you have been at -- since you</p> <p>24 have been senior vice president of CHS?</p> <p>25 A Yes. My initial HR orientation.</p>	<p style="text-align: right;">Page 105</p> <p>1 Patricia Yang</p> <p>2 A So I am reluctant to answer in the</p> <p>3 hypothetical. I have not gotten that directly where</p> <p>4 my staff were not able to handle it.</p> <p>5 Q When Dr. Kaye sent an e-mail, you didn't</p> <p>6 forward that to the EEO office?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A The e-mail that she sent about the</p> <p>10 complaints about --</p> <p>11 Q Pay.</p> <p>12 A -- pay disparity at Bellevue?</p> <p>13 Yes, I did not send it to the EEO office.</p> <p>14 I sent it to the head of Bellevue to handle.</p> <p>15 Q But she was working for you at that time.</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A No, she was not. She was working for</p> <p>18 Bellevue.</p> <p>19 Q In May of 2018, you are saying Dr. Kaye</p> <p>20 was working for Bellevue?</p> <p>21 A Correct.</p> <p>22 Q When did you assume leadership over CHS</p> <p>23 in 2018?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>

<p style="text-align: right;">Page 106</p> <p>1 Patricia Yang</p> <p>2 A Over CHS --</p> <p>3 Q Over the court clinics, I mean.</p> <p>4 A April was the Queens -- the clinics, and</p> <p>5 July 1, to accommodate Dr. Kaye, was for her clinic.</p> <p>6 Q So are you saying it wasn't until</p> <p>7 Dr. Kaye was absorbed into -- it wasn't until</p> <p>8 Dr. Kaye's, I guess, retention and longevity pay</p> <p>9 were paid that you assumed management of her? Is</p> <p>10 that what you are saying?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer.</p> <p>13 A That's correct.</p> <p>14 Q And it was only Dr. Kaye?</p> <p>15 A The clinic transfer did not happen -- I</p> <p>16 postponed the clinic transfer until July 1 so</p> <p>17 Dr. Kaye could get her retention bonus at Bellevue.</p> <p>18 Q You postponed it?</p> <p>19 A Correct.</p> <p>20 Q No one else?</p> <p>21 A With other people's consent, but it was</p> <p>22 my decision.</p> <p>23 Q Who was other people?</p> <p>24 A Mr. Hicks. Did he object? He wasn't</p> <p>25 happy about it, but --</p>	<p style="text-align: right;">Page 108</p> <p>1 Patricia Yang</p> <p>2 Bellevue so that Dr. Kaye could get her retention</p> <p>3 bonus.</p> <p>4 Q Now, going forward after that, what</p> <p>5 measures were taken to ensure that Dr. Kaye was</p> <p>6 being paid the same as her comparators?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A That comes from my staff who run Human</p> <p>10 Resources.</p> <p>11 Q And is that Dr. -- is that Miss Laboy and</p> <p>12 Mr. Wangel?</p> <p>13 A It was probably, at that point in time,</p> <p>14 Wangel. Now, it is Laboy.</p> <p>15 Q What was Mr. Wangel's role at that time?</p> <p>16 A I think he was head of HR and Labor for</p> <p>17 me.</p> <p>18 Q And you hired Mr. Wangel in that</p> <p>19 capacity?</p> <p>20 A I did, along with affiliate</p> <p>21 responsibilities.</p> <p>22 Q Did he come from the Department of Health</p> <p>23 and Mental Hygiene?</p> <p>24 A He did.</p> <p>25 Q Had he worked with you before?</p>
<p style="text-align: right;">Page 107</p> <p>1 Patricia Yang</p> <p>2 Q Why not?</p> <p>3 A Because, frankly, the system and Bellevue</p> <p>4 and Kings were relieved and thought it was a good</p> <p>5 idea that Correctional Health Services should be</p> <p>6 actually managing these clinics.</p> <p>7 Q So they allowed you to hold up this</p> <p>8 transfer to accommodate Dr. Kaye? That's what you</p> <p>9 are testifying to today?</p> <p>10 A They did not have the authority to permit</p> <p>11 me or allow me.</p> <p>12 Q Who did?</p> <p>13 A The president of the corporation agreed</p> <p>14 that I could postpone it with this timeline.</p> <p>15 Q Who was the president at that time?</p> <p>16 A Oh, gosh, I don't know. It was</p> <p>17 Mr. Brezenof in 2018. I am pretty sure is was</p> <p>18 Brezenof, B-R-E-Z-E-N-O-F.</p> <p>19 Q So Mr. Brezenof allowed you to postpone</p> <p>20 managing one director so that she could get her</p> <p>21 longevity and retention?</p> <p>22 A I would like to state that in my terms.</p> <p>23 Q Yes.</p> <p>24 A That the system agreed that I could</p> <p>25 postpone taking over the clinics that were run by</p>	<p style="text-align: right;">Page 109</p> <p>1 Patricia Yang</p> <p>2 A He did.</p> <p>3 Q You were pleased with Mr. Wangel's</p> <p>4 performance?</p> <p>5 A I was.</p> <p>6 Q Is he still working in that capacity</p> <p>7 right now?</p> <p>8 A No.</p> <p>9 Q Why not?</p> <p>10 A He chose to get promoted to become the</p> <p>11 Director of Labor Relations for the entire</p> <p>12 corporation.</p> <p>13 Q So he applied for the Director of Labor</p> <p>14 Relations for the entire corporation?</p> <p>15 A Yes.</p> <p>16 Q And Miss Laboy is now filling that?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A She is now my Chief Administrative</p> <p>19 Officer.</p> <p>20 Q Now, was there a time that that position</p> <p>21 was occupied by someone else, other than Miss Laboy,</p> <p>22 before Mr. Wangel left?</p> <p>23 A No, because it was a position that I</p> <p>24 created. I didn't have a Chief Administrative</p> <p>25 Officer before then.</p>

<p style="text-align: right;">Page 110</p> <p>1 Patricia Yang</p> <p>2 Q So the Chief Administrative Officer, when</p> <p>3 did you create that position?</p> <p>4 A I don't recall.</p> <p>5 Q So when did Mr. Wangel leave his</p> <p>6 position?</p> <p>7 A Last year.</p> <p>8 Q Last year when?</p> <p>9 A Sometime last year.</p> <p>10 Q Was this in the fall of last year?</p> <p>11 A I can't recall.</p> <p>12 Q Winter? I mean, toward the end, December</p> <p>13 of last year?</p> <p>14 A I don't mean to frustrate you, but I</p> <p>15 genuinely can't recall.</p> <p>16 Q I'm not frustrated.</p> <p>17 A Okay.</p> <p>18 Q Okay. Andrea Swenson, who is she?</p> <p>19 A Andrea Swenson is -- I don't know her</p> <p>20 title, but she is in the administrative side of the</p> <p>21 court clinics.</p> <p>22 Q Did she report to Mr. Wangel or was she</p> <p>23 above Mr. Wangel?</p> <p>24 A She was not above Mr. Wangel. She</p> <p>25 reported to -- she reports to Clarence Muir, who</p>	<p style="text-align: right;">Page 112</p> <p>1 Patricia Yang</p> <p>2 job.</p> <p>3 Q So in 2015, you hired Mr. Wangel, right?</p> <p>4 A Correct.</p> <p>5 Q And I am assuming that -- for the 2015</p> <p>6 year, what did you rate him, do you recall?</p> <p>7 A Probably well.</p> <p>8 Q And 2016?</p> <p>9 A Maybe not so well.</p> <p>10 Q What happened in 2016?</p> <p>11 A His performance -- I don't know if it was</p> <p>12 in '16 or '17, but his performance started not</p> <p>13 holding up.</p> <p>14 Q What do you mean by that?</p> <p>15 A His performance just suffered for reasons</p> <p>16 that we are not clear.</p> <p>17 Q Could you explain?</p> <p>18 A He didn't deliver things on time. I</p> <p>19 don't know, things like quality and quantity of</p> <p>20 work. There are set areas we have to evaluate.</p> <p>21 Q Now, did you put him on some kind of</p> <p>22 performance improvement plan at some point?</p> <p>23 A Not officially, but he knew what the</p> <p>24 issues were. We would have regular meetings.</p> <p>25 Q And you rated him every year; is that</p>
<p style="text-align: right;">Page 111</p> <p>1 Patricia Yang</p> <p>2 reports to Carlos Castellanos, who reports to me.</p> <p>3 Q All right. So what was Mr. Castellanos's</p> <p>4 title?</p> <p>5 A He is my Chief Operations Officer.</p> <p>6 Q And he has been in that capacity for how</p> <p>7 long?</p> <p>8 A He was promoted to that title probably</p> <p>9 last year sometime.</p> <p>10 Q By you?</p> <p>11 A Yes.</p> <p>12 Q He applied and you promoted him?</p> <p>13 A Correct.</p> <p>14 Q So there was a change from Mr. Wangel --</p> <p>15 that's complete and separate, right? That's</p> <p>16 separate, right?</p> <p>17 A Yes.</p> <p>18 Q So Mr. Wangel changed positions after</p> <p>19 Dr. Kaye filed her lawsuit; is that right?</p> <p>20 A I don't know. I don't remember when</p> <p>21 Jonathan went upstairs.</p> <p>22 Q Did you evaluate Mr. Wangel?</p> <p>23 A I did.</p> <p>24 Q And how did you rate him?</p> <p>25 A It changed over time, depending on his</p>	<p style="text-align: right;">Page 113</p> <p>1 Patricia Yang</p> <p>2 true?</p> <p>3 A I hope I did.</p> <p>4 MS. HAGAN: I call for the production of</p> <p>5 Mr. Wangel's performance evaluations.</p> <p>6 MS. CANFIELD: If you put it in writing,</p> <p>7 we will take it under advisement.</p> <p>8 Q Now, at any point, did anyone complain</p> <p>9 about Mr. Wangel to you?</p> <p>10 A No.</p> <p>11 Q Had he been the subject of any EEO</p> <p>12 complaints that you know of?</p> <p>13 A No. I wouldn't know that.</p> <p>14 Q Now, have you read H and H's or CHS's EEO</p> <p>15 policy?</p> <p>16 A Yes.</p> <p>17 Q And do you know what your role is as a</p> <p>18 manager, if an EEO complaint is brought to your</p> <p>19 attention?</p> <p>20 A Yes.</p> <p>21 Q What is it?</p> <p>22 A Assign, give it to -- raise the issue to</p> <p>23 whoever needs to deal with it, which in my world is,</p> <p>24 right now, Jessica Laboy.</p> <p>25 Q Not the EEO officer?</p>

<p style="text-align: right;">Page 114</p> <p>1 Patricia Yang</p> <p>2 A It is an option.</p> <p>3 Q Okay.</p> <p>4 A If it were in my shop, I would call in</p> <p>5 OLA and everybody else and their brother or their</p> <p>6 sister. But this was an issue in Bellevue about</p> <p>7 Bellevue, so what I did, I raised it to the Chief</p> <p>8 Executive Officer to handle.</p> <p>9 Q You don't know who the EEO officer at H</p> <p>10 and H is right now; am I right?</p> <p>11 A I am embarrassed to say that I don't.</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 Q And who is the EEO -- does CHS have the</p> <p>14 equivalent of an EEO officer?</p> <p>15 A The responsibilities of EEO fall to Miss</p> <p>16 Laboy.</p> <p>17 Q Is she the EEO officer at CHS?</p> <p>18 A Yes.</p> <p>19 Q Staff know to go to Miss Laboy for an EEO</p> <p>20 complaint?</p> <p>21 A I would hope so.</p> <p>22 Q Is there a policy to that effect that</p> <p>23 identifies Miss Laboy as EEO officer for CHS?</p> <p>24 A No.</p> <p>25 Q Who designated Miss Laboy as the EEO</p>	<p style="text-align: right;">Page 116</p> <p>1 Patricia Yang</p> <p>2 Q Where?</p> <p>3 A On Rikers or at 55 Water.</p> <p>4 Q And how often are you at Rikers?</p> <p>5 A I try for once a week at least.</p> <p>6 Q And how often are you at 55 Water?</p> <p>7 A All of the other times, unless I am in</p> <p>8 Albany or at 125 Worth Street or 160.</p> <p>9 Q So basically, staff could come to you or</p> <p>10 someone else to find out who this EEO person is for</p> <p>11 CHS, but there is nothing in writing that says who</p> <p>12 this person is?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A Correct.</p> <p>16 Q Now, do you provide training or have you</p> <p>17 provided training for staff at CHS, EEO training?</p> <p>18 A We are part of the system, so the system</p> <p>19 needs to do that.</p> <p>20 Q But do you ensure, yourself, as senior</p> <p>21 vice president of CHS, that everyone has been</p> <p>22 trained?</p> <p>23 A Yes.</p> <p>24 Q How do you do that?</p> <p>25 A It is part of the onboarding. So</p>
<p style="text-align: right;">Page 115</p> <p>1 Patricia Yang</p> <p>2 officer?</p> <p>3 A I do.</p> <p>4 Q Is there anything in writing that says</p> <p>5 Miss Laboy is the EEO officer for CHS?</p> <p>6 A Probably not.</p> <p>7 Q Why not?</p> <p>8 A Because people know to go to Jessica.</p> <p>9 Q How do they know to go if there is</p> <p>10 nothing in writing?</p> <p>11 A Issues about Human Resources, about Labor</p> <p>12 Relations, about employee complaints, they all to go</p> <p>13 Jessica. They go to the Chief Administrative</p> <p>14 Officer.</p> <p>15 Q Who tells them to do that?</p> <p>16 A If nobody -- if people don't know, they</p> <p>17 can ask their supervisor. They can ask me.</p> <p>18 Q You have an open-door policy?</p> <p>19 A I do.</p> <p>20 Q Where are you sitting?</p> <p>21 A At Rikers or at 55? I have offices --</p> <p>22 Q You have more than one office?</p> <p>23 A Correct.</p> <p>24 Q How many offices do you have?</p> <p>25 A Two offices.</p>	<p style="text-align: right;">Page 117</p> <p>1 Patricia Yang</p> <p>2 everybody gets that when they come on board, and as</p> <p>3 part of our quality assurance process for the Health</p> <p>4 and Hospitals system, we have required training, and</p> <p>5 people -- we have to report on percentage</p> <p>6 compliance.</p> <p>7 Q So since 2015, would it be fair to say</p> <p>8 that staff has received computer training every</p> <p>9 year, at least since you have been senior vice</p> <p>10 president of CHS?</p> <p>11 A I can't answer that.</p> <p>12 Q Would you be able to answer whether or</p> <p>13 not the directors of the court clinics have received</p> <p>14 EEO training?</p> <p>15 A I can't answer that.</p> <p>16 Q Is there anything that would say that</p> <p>17 this is where the centers are supposed to go to file</p> <p>18 an EEO complaint?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 You can answer.</p> <p>21 A No.</p> <p>22 Q Why not?</p> <p>23 A As I said before, people know to go to</p> <p>24 Jessica if they have an issue or complaint.</p> <p>25 Q Now, you have read the EEO policy for H</p>

<p style="text-align: right;">Page 118</p> <p>1 Patricia Yang</p> <p>2 and H, right?</p> <p>3 A Yes.</p> <p>4 Q And at no point did it come across to you</p> <p>5 that you had an obligation, as a manager, to report</p> <p>6 to EEO if you had -- if you came across -- if</p> <p>7 somebody reported discrimination to you?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 You can answer.</p> <p>10 A Again, if it were about me or about my</p> <p>11 shop or about my staff, I would do that.</p> <p>12 This was not an issue for me. This was</p> <p>13 about Bellevue, about a Bellevue employee, about</p> <p>14 Bellevue, over which I have no authority.</p> <p>15 Q But Dr. Kaye continued to complain after</p> <p>16 she was now part of your staff. You are aware of</p> <p>17 that, right?</p> <p>18 A I am not directly aware of that.</p> <p>19 Q But you indirectly knew she continued to</p> <p>20 complain about her pay; am I right?</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 A I was surprised when the EEO complaint</p> <p>23 came out, or whoever it was she filed with after she</p> <p>24 came.</p> <p>25 Q The EEOC complaint, you became aware of</p>	<p style="text-align: right;">Page 120</p> <p>1 Patricia Yang</p> <p>2 Greenfield or Bellevue?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer.</p> <p>5 A Because it is a Bellevue issue.</p> <p>6 Q But she is no longer even on Bellevue's</p> <p>7 payroll at this point.</p> <p>8 A But it was a Bellevue issue.</p> <p>9 Q But that doesn't explain -- she is no</p> <p>10 longer a Bellevue employee. Now she is experiencing</p> <p>11 the disparity pay under your watch. She is off --</p> <p>12 she complained the first time in 2018, May 2018.</p> <p>13 She continued to complain to 2019. She is no longer</p> <p>14 on the payroll. What do you expect Bellevue to do</p> <p>15 at that point?</p> <p>16 MS. CANFIELD: Objection. I don't think</p> <p>17 it has been established that she complained,</p> <p>18 other than the first time, and then the EEOC</p> <p>19 charge.</p> <p>20 THE WITNESS: Correct.</p> <p>21 Q The EEOC charge was made in 2018, right,</p> <p>22 to your knowledge?</p> <p>23 A Right.</p> <p>24 Q And she complained again after that; am I</p> <p>25 right?</p>
<p style="text-align: right;">Page 119</p> <p>1 Patricia Yang</p> <p>2 the EEOC complaint; am I right?</p> <p>3 A That was a couple years later.</p> <p>4 Q What did you do when Dr. Kaye -- when you</p> <p>5 found out Dr. Kaye filed an EEOC complaint?</p> <p>6 A I sent it back up to the system.</p> <p>7 Q What is the system?</p> <p>8 A OLA.</p> <p>9 Q Office of Legal Affairs?</p> <p>10 A Office of Legal Affairs, and Bellevue,</p> <p>11 again, and I said I was annoyed. I didn't</p> <p>12 understand that. I thought it was resolved.</p> <p>13 Q Office of Legal Affairs consists of who?</p> <p>14 A In this case, I raised it, probably</p> <p>15 inappropriately, to Miss Greenfield because I think</p> <p>16 Dr. Kaye -- I go to Miss Greenfield for all manner</p> <p>17 of resolution and assistance, even though,</p> <p>18 technically, Dr. Kaye is not managerial.</p> <p>19 Q Okay. So why did you go to Miss</p> <p>20 Greenfield for Dr. Kaye, rather than your Chief</p> <p>21 Administrative Officer or Mr. Wangel?</p> <p>22 A Because this was a Bellevue issue.</p> <p>23 Q But she is now your staff person, and she</p> <p>24 is continue to complaining at this point. She is no</p> <p>25 longer at Bellevue. Why are you going to Miss</p>	<p style="text-align: right;">Page 121</p> <p>1 Patricia Yang</p> <p>2 A I only know about the EEOC piece, and I</p> <p>3 flagged it to the Office of Legal Affairs for</p> <p>4 awareness, and sent it back over to Mr. Hicks at</p> <p>5 Bellevue, because it was still about the complaint</p> <p>6 about Bellevue. It was not here.</p> <p>7 What I did do is I asked my folks to</p> <p>8 check, and there was not a pay disparity within CHS.</p> <p>9 What her allegations were were about</p> <p>10 Bellevue's disparities, which I thought had been</p> <p>11 resolved before she came over.</p> <p>12 Q What about after she filed her lawsuit?</p> <p>13 She is still complaining of pay disparity then.</p> <p>14 This is in December of 2018. She is clearly now</p> <p>15 your staff person.</p> <p>16 A That's right.</p> <p>17 Q Now, why didn't you -- what did you do to</p> <p>18 attempt to address her complaints then after she</p> <p>19 filed her lawsuit?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A We looked at her salary and, basically,</p> <p>22 because she chose -- she is the only director who</p> <p>23 refused to become a manager. The managers get</p> <p>24 cost-of-living increases.</p> <p>25 My understanding -- I believe that</p>

<p style="text-align: right;">Page 122</p> <p>1 Patricia Yang</p> <p>2 I looked -- she is at the top of her salary range as</p> <p>3 a unionized Attending Physician, plus all of the</p> <p>4 differentials and everything else like that.</p> <p>5 I think there is a \$2,000 difference</p> <p>6 between her and Dr. Mundy, who is the other</p> <p>7 psychiatrist director of the clinics, and there is</p> <p>8 only a \$2,000 disparity because the managerial</p> <p>9 cost-of-living increases kicked in.</p> <p>10 Q So are you saying she never asked to be a</p> <p>11 Physician Specialist at any point?</p> <p>12 A I don't know about that. That's a</p> <p>13 Bellevue question.</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 Q She was under your watch, under your</p> <p>16 supervision. She never asked to be a Physician</p> <p>17 Specialist; is that right?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 You can answer.</p> <p>20 A I don't know. I don't know if the</p> <p>21 Physician Specialist is the management title.</p> <p>22 Q So would it be fair -- do you know if</p> <p>23 Dr. Mundy has a Physician Specialist title?</p> <p>24 A I'm not close enough to know the Civil</p> <p>25 Service titles of everyone.</p>	<p style="text-align: right;">Page 124</p> <p>1 Patricia Yang</p> <p>2 managers; am I right?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A I do know that they are all in management</p> <p>5 titles.</p> <p>6 Q Do you know what their Civil Service</p> <p>7 titles are?</p> <p>8 A I still don't know that.</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 Q You don't know?</p> <p>11 A Correct.</p> <p>12 Q And so you are not sure if Dr. Kaye asked</p> <p>13 to be in a Physician Specialist title at any point?</p> <p>14 You are not sure about that, right?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 A I don't know if she asked to be a manager</p> <p>18 in a management title. I do know that she did not</p> <p>19 want to be in a management title.</p> <p>20 Q But I asked you if you knew that she</p> <p>21 asked to be a Physician Specialist at any point.</p> <p>22 A And I will again say, I don't know if a</p> <p>23 Physician Specialist title is a unionized title or a</p> <p>24 management title.</p> <p>25 Q Do you know if, for example, Dr. Mundy --</p>
<p style="text-align: right;">Page 123</p> <p>1 Patricia Yang</p> <p>2 Q How do you know that Dr. Mundy is a</p> <p>3 manager and Dr. Kaye wasn't?</p> <p>4 A Because I asked that all of the clinical</p> <p>5 director positions be management because they are</p> <p>6 managers.</p> <p>7 Q So this is circular. You first say you</p> <p>8 don't know if the Physician Specialist title is a</p> <p>9 managerial title --</p> <p>10 A Correct.</p> <p>11 Q -- and then you say that you asked that</p> <p>12 everybody who is a director be in a managerial</p> <p>13 title, but you said Dr. Kaye refused to do so.</p> <p>14 Correct?</p> <p>15 A Correct.</p> <p>16 Q But you are not sure if the Physician</p> <p>17 Specialist title is a managerial title and whether</p> <p>18 or not the other directors have that title; am I</p> <p>19 right?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A Correct. I don't know if the Physician</p> <p>22 Specialist is the payroll title that is a managerial</p> <p>23 title.</p> <p>24 Q So you don't know if the other directors</p> <p>25 complied with your directive that they all be</p>	<p style="text-align: right;">Page 125</p> <p>1 Patricia Yang</p> <p>2 I asked you --</p> <p>3 MS. HAGAN: Strike that.</p> <p>4 Q Do you know if any of the directors are</p> <p>5 physician specialists?</p> <p>6 A No. I know they are all clinical</p> <p>7 directors, which is the office title that I</p> <p>8 approved.</p> <p>9 Q What about the Civil Service titles?</p> <p>10 A I don't know the payroll titles.</p> <p>11 Q Who would know the payroll titles?</p> <p>12 A My HR people.</p> <p>13 Q Do you sign off on what they do?</p> <p>14 A I sign off on certain papers.</p> <p>15 Q Which ones?</p> <p>16 A Significant actions that people believe I</p> <p>17 need to sign off on.</p> <p>18 Q Like what?</p> <p>19 A You know, high level appointments.</p> <p>20 Q Ultimately, you approve who goes in what</p> <p>21 title; am I right?</p> <p>22 A Ultimately, I sign off on what my staff</p> <p>23 are recommending and wish. I will ask questions.</p> <p>24 Q So you have someone who made a complaint</p> <p>25 about being paid unfairly. You have someone who is</p>

<p style="text-align: right;">Page 126</p> <p>1 Patricia Yang</p> <p>2 complaining about being in a given title, because</p> <p>3 Dr. Kaye also alleges that she was hired at a lower</p> <p>4 title than the other directors, and she was -- and</p> <p>5 this happened because she was a woman. But you</p> <p>6 don't force her or insist that she take a managerial</p> <p>7 position to address the issue?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 A It was offered to her and she refused.</p> <p>10 Q But she continued to complain?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 A I can't answer that.</p> <p>13 Q So it is your testimony that she refused,</p> <p>14 rather than she asked for it and she was denied?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A She has been offered -- she was initially</p> <p>17 offered the management title. She declined.</p> <p>18 When she raised issues again, I think it</p> <p>19 was the \$2,000 -- I don't know. It was a small</p> <p>20 amount of money. It was resolvable if she went into</p> <p>21 a management title. I believe that she, again,</p> <p>22 declined.</p> <p>23 Q What is the management title you keep</p> <p>24 referencing?</p> <p>25 A I don't know.</p>	<p style="text-align: right;">Page 128</p> <p>1 Patricia Yang</p> <p>2 A Sure.</p> <p>3 Q And were you making a unilateral decision</p> <p>4 as to how -- let's say, for example, the 730 teams</p> <p>5 were created?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A I don't make unilateral decisions and I</p> <p>8 did make not make a decision about the 730 teams.</p> <p>9 Q Who made a decision to create the 730</p> <p>10 teams?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 A I'm not sure what you mean by creating</p> <p>13 730 teams.</p> <p>14 Q What is a 730 team?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A I don't know. I don't know what you</p> <p>17 mean.</p> <p>18 Q Okay. You don't know what the 730 team</p> <p>19 is?</p> <p>20 A I don't know what you mean by a 730 team.</p> <p>21 Q Was there ever a time where there were</p> <p>22 staff that were, I guess, hired to facilitate the</p> <p>23 administration of 730 examinations?</p> <p>24 A Was there ever a time that we hired</p> <p>25 people to fill vacancies to conduct the</p>
<p style="text-align: right;">Page 127</p> <p>1 Patricia Yang</p> <p>2 Q So you don't know if she complied or not?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A I do.</p> <p>5 Q You don't know the management title.</p> <p>6 What was the management title that are you</p> <p>7 referencing that the other directors had?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 A I can tell you, it is not an Attending</p> <p>10 Physician III.</p> <p>11 Q Was it a Physician Specialist?</p> <p>12 A I don't know.</p> <p>13 Q Okay. Now, Dr. Kaye also alleges that,</p> <p>14 after she complained or raised issues with the</p> <p>15 administration of the clinic, that you started to</p> <p>16 retaliate against her. Is that true?</p> <p>17 A Absolutely not.</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 Q Was there an avenue for the directors to</p> <p>20 raise questions about the procedures that were being</p> <p>21 put in place?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 You can answer.</p> <p>24 A I would hope so.</p> <p>25 Q Could they raise them with you?</p>	<p style="text-align: right;">Page 129</p> <p>1 Patricia Yang</p> <p>2 examinations? Yes. That's ongoing.</p> <p>3 Q So were there other people -- who were</p> <p>4 these hires? Who did the hires consist of?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A There were vacancies, but they were</p> <p>8 clerical administrative vacancies, they were</p> <p>9 clinical vacancies.</p> <p>10 Q Did social workers ever -- were social</p> <p>11 workers ever hired to participate in the 730</p> <p>12 process?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A Social workers are part of a mobile team</p> <p>16 that are in the jails that do not conduct the</p> <p>17 evaluations.</p> <p>18 Q So the 730 mobile teams, are you familiar</p> <p>19 with that?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A I am.</p> <p>22 Q Who creates the 730 mobile teams?</p> <p>23 A It was an initiative between the state</p> <p>24 Office of Mental Hygiene and our staff.</p> <p>25 Q And how many people are on a 730 mobile</p>

<p style="text-align: right;">Page 130</p> <p>1 Patricia Yang</p> <p>2 team?</p> <p>3 A I don't know that.</p> <p>4 Q What does the 730 mobile team consist of?</p> <p>5 A The 730 mobile team does not conduct</p> <p>6 evaluations, which, I think, Dr. Kaye may have</p> <p>7 misunderstood. 730 mobile teams are in the jails to</p> <p>8 help support the transition of people who are</p> <p>9 waiting to go upstate for restoration or are coming</p> <p>10 back.</p> <p>11 Q Have there ever been complaints that the</p> <p>12 730 mobile team members interfered with the</p> <p>13 administration of -- interfered with defendants'</p> <p>14 rights, I should say?</p> <p>15 A Not to my knowledge.</p> <p>16 Q That they offered legal advice, by any</p> <p>17 chance?</p> <p>18 A Not to my knowledge.</p> <p>19 Q Did you ever get complaints from Legal</p> <p>20 Aid that the 730 teams were overstepping their</p> <p>21 bounds?</p> <p>22 A Not to my knowledge.</p> <p>23 Q So you never heard complaints about the</p> <p>24 730 mobile teams?</p> <p>25 A No. I heard praise.</p>	<p style="text-align: right;">Page 132</p> <p>1 Patricia Yang</p> <p>2 teams?</p> <p>3 A That's not what I said. What I said</p> <p>4 was -- I thought I answered your question, so I</p> <p>5 apologize if I didn't.</p> <p>6 I am not -- I don't recall anybody</p> <p>7 complaining to me about them.</p> <p>8 Q You said you don't recall?</p> <p>9 A Correct.</p> <p>10 Q Not that they didn't?</p> <p>11 A Correct.</p> <p>12 Q I am just making sure. I want to make</p> <p>13 sure that the record is clear.</p> <p>14 So how would you describe your</p> <p>15 relationship with or I guess I would say CHS's</p> <p>16 relationship with Legal Aid?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A I would hope that they see us as a good</p> <p>19 partner and someone who has our patients' best</p> <p>20 interests in mind and in heart.</p> <p>21 Q Have you ever complained about Legal Aid</p> <p>22 or any of Legal Aid's staff treatment of CHS staff?</p> <p>23 A I have not.</p> <p>24 Q Have you ever complained about -- for</p> <p>25 example, do you know Dr. Brayton, B-R-A-Y-T-O-N?</p>
<p style="text-align: right;">Page 131</p> <p>1 Patricia Yang</p> <p>2 Q Who praised them?</p> <p>3 A Generally, everybody, including all the</p> <p>4 way up to the Commissioner of the State Office of</p> <p>5 Mental Hygiene.</p> <p>6 Q Did Legal Aid praise them?</p> <p>7 A I don't generally deal with the Legal</p> <p>8 Aid.</p> <p>9 Q Did they ever write you about their</p> <p>10 complaints with the 730 mobile teams?</p> <p>11 A No, not to my knowledge.</p> <p>12 Q What about the Bronx Defenders?</p> <p>13 A Not to my recollection.</p> <p>14 Q Had anyone ever complained to you</p> <p>15 directly about the 730 mobile teams?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 A Not to my recollection.</p> <p>19 Q Now, if there were complaints about the</p> <p>20 team, who would address those complaints?</p> <p>21 A Depending on what the complaint was, but</p> <p>22 Dr. Ford, Dr. MacDonald, if it were a clinical</p> <p>23 issue.</p> <p>24 Q So you said there were never any</p> <p>25 complaints, to your knowledge, about the 730 mobile</p>	<p style="text-align: right;">Page 133</p> <p>1 Patricia Yang</p> <p>2 A I don't know him or her.</p> <p>3 Q You never met or knew of Dr. Brayton?</p> <p>4 A I can't recall.</p> <p>5 Q Was there ever a time -- so you never</p> <p>6 knew whether or not Dr. Brayton worked at the Bronx</p> <p>7 center at all?</p> <p>8 A I am too far removed from the operations</p> <p>9 to answer, to know that.</p> <p>10 Q Now, you said earlier that, when you</p> <p>11 first took over the clinic initially, you started to</p> <p>12 learn about the 390 and 730 processes.</p> <p>13 Who specifically did you talk to when you</p> <p>14 started --</p> <p>15 A I didn't learn about the processes.</p> <p>16 Q Okay.</p> <p>17 A I learned about their structure.</p> <p>18 Q Their structure.</p> <p>19 A And that they had a lot of complaints,</p> <p>20 concerns, about not getting the support that they</p> <p>21 needed to do their job.</p> <p>22 Q And how did you learn about the</p> <p>23 structure? Did you read the CPL? What did you do</p> <p>24 to learn?</p> <p>25 MS. CANFIELD: Objection.</p>

<p style="text-align: right;">Page 134</p> <p>1 Patricia Yang</p> <p>2 You can answer.</p> <p>3 A It would come out from people, like</p> <p>4 Dr. Owens, who is very vocal about needs. It would</p> <p>5 come out in group meetings where people talked about</p> <p>6 their frustrations about getting medical records or</p> <p>7 about their frustrations about filling vacancies.</p> <p>8 Q But you didn't yourself sit down and read</p> <p>9 the CPL and learn about the legal parameters of</p> <p>10 administration of either one of these exams; am I</p> <p>11 right?</p> <p>12 A Correct.</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 Q Even though you were conferring with</p> <p>16 Dr. Owens, did you confer with Dr. Kaye or any of</p> <p>17 the other doctors about the administration of the</p> <p>18 exams?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 You can answer.</p> <p>21 A I did not confer with Dr. Owens about the</p> <p>22 administration of the exams.</p> <p>23 Q Did you confer with Dr. Kaye?</p> <p>24 A I did not confer with any of them about</p> <p>25 the conduct of the exams.</p>	<p style="text-align: right;">Page 136</p> <p>1 Patricia Yang</p> <p>2 after you got there; am I right?</p> <p>3 A After --</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 Q After you became senior vice president of</p> <p>7 CHS, you hired Dr. Jain; am I right?</p> <p>8 A Correctional Health Services did hire</p> <p>9 Dr. Jain after the decision was made for CHS to</p> <p>10 consolidate management of the clinics.</p> <p>11 Q Who was CHS? When you say CHS hired him,</p> <p>12 who are you referring to?</p> <p>13 A In this case, the direct supervisor for</p> <p>14 Dr. Jain would have been Dr. Ford who is the hiring</p> <p>15 manager.</p> <p>16 Q And did you participated in the hiring</p> <p>17 process for Dr. Jain?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 A No, I did not.</p> <p>20 Q So it was just Dr. Ford and</p> <p>21 Dr. MacDonald?</p> <p>22 A I don't recall who the interviewing teams</p> <p>23 were.</p> <p>24 Q Did you have any part in approving his</p> <p>25 hire?</p>
<p style="text-align: right;">Page 135</p> <p>1 Patricia Yang</p> <p>2 Q Why not? They were administering these</p> <p>3 exams. They would know probably better than anybody</p> <p>4 else how they were administered. Why didn't you</p> <p>5 engage them?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A Because forgive the hierarchical matter,</p> <p>9 but they are four levels down, five levels down. So</p> <p>10 I am that far removed from the details of the</p> <p>11 operation that it wouldn't be the most effective or</p> <p>12 efficient way to deal with those. Those are people</p> <p>13 that have greater expertise than me. I am not the</p> <p>14 expert in everything.</p> <p>15 Q So who is responsible for streamlining</p> <p>16 these processes, if you were not engaging the</p> <p>17 directors yourself?</p> <p>18 A My staff, and if there were needs that</p> <p>19 they would request or recommendations that they</p> <p>20 would make, they would make them to me.</p> <p>21 Q When you say your staff, are you saying</p> <p>22 Dr. MacDonald and Dr. Ford?</p> <p>23 A Mostly Dr. Jain, Dr. Ford, and then</p> <p>24 Dr. MacDonald.</p> <p>25 Q Dr. Jain, you said hired him, I guess,</p>	<p style="text-align: right;">Page 137</p> <p>1 Patricia Yang</p> <p>2 A I signed the paper.</p> <p>3 Q What is the paper? What is it called?</p> <p>4 A It is a personnel action form or</p> <p>5 something.</p> <p>6 Q So you are not sure what you signed?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 A You are asking me the name of the</p> <p>9 bureaucratic form in the Health and Hospitals</p> <p>10 system. I don't know the name of it. I know what</p> <p>11 it looks like.</p> <p>12 Q And you signed it numerous --</p> <p>13 A Numerous.</p> <p>14 Q Numerous numbers of them?</p> <p>15 A Numerous.</p> <p>16 Q When you signed off for Dr. Jain did you</p> <p>17 review his credentials or anything of that nature?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 A My staff do, and that all happens before</p> <p>20 I get the personnel action request form to sign.</p> <p>21 Q So Dr. Ford and Dr. MacDonald?</p> <p>22 A And Miss Laboy and her staff.</p> <p>23 Q So you would say that there was a team of</p> <p>24 people who participated in the hiring of Dr. Jain;</p> <p>25 is that right?</p>

<p style="text-align: right;">Page 138</p> <p>1 Patricia Yang</p> <p>2 A There is a team of people who make sure</p> <p>3 that all of the Ts are crossed and all of the Is are</p> <p>4 dotted before a person is processed for hiring, of</p> <p>5 which I sign a piece of paper. They are not</p> <p>6 necessarily the people who did the screening and</p> <p>7 interviewing and selection.</p> <p>8 Q Now, Dr. MacDonald is Dr. Ford's</p> <p>9 supervisor; is that right?</p> <p>10 A Yes.</p> <p>11 Q Now, do you know Dr. MacDonald's</p> <p>12 background?</p> <p>13 A Generally, yes.</p> <p>14 Q What is it?</p> <p>15 A He is an internist.</p> <p>16 Q Does he have any background in psychiatry</p> <p>17 or psychology?</p> <p>18 A He is not a trained psychiatrist.</p> <p>19 Q So how is he managing Dr. Ford?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A In the medical world, not everybody has</p> <p>22 to be the subspecialist in order to provide guidance</p> <p>23 and general clinical guidance to subspecialists.</p> <p>24 It is similar to me. I don't have the</p> <p>25 expertise and technical expertise and knowledge for</p>	<p style="text-align: right;">Page 140</p> <p>1 Patricia Yang</p> <p>2 A I might ask certain questions.</p> <p>3 Q But would she be the person that you</p> <p>4 would get guidance from, since she is the only one</p> <p>5 with a psychiatric background in the hierarchy, at</p> <p>6 least the most senior?</p> <p>7 A If I had a question, sure.</p> <p>8 Q Okay. So between Dr. Ford, yourself, and</p> <p>9 Dr. MacDonald, if there is going to be a change in</p> <p>10 how, you know, 390s and 730s were administered, who</p> <p>11 would ultimately be responsible for that?</p> <p>12 A Can you repeat that?</p> <p>13 Q Who would ultimately be responsible for</p> <p>14 any changes in the administration of 390s and 730s?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 A That would be -- if it were clinical?</p> <p>18 Q Yes.</p> <p>19 A Dr. Ford.</p> <p>20 Q As far as, let's say, I guess, the</p> <p>21 directors having the ability to engage in outside</p> <p>22 work, who would be responsible for that?</p> <p>23 A Outside work? That's a different</p> <p>24 question. That would be the team. So if there is a</p> <p>25 conflict of interest, Ford for anything dual -- if</p>
<p style="text-align: right;">Page 139</p> <p>1 Patricia Yang</p> <p>2 everything that I have to be responsible for, but I</p> <p>3 do bring something different to the table, which is</p> <p>4 a systems view and inquiry.</p> <p>5 Q So of these people that we are</p> <p>6 discussing, Dr. Ford is the most senior or was the</p> <p>7 most senior person, I guess, in the hierarchical</p> <p>8 structure with a psychiatry or psychology</p> <p>9 background; is that correct?</p> <p>10 A Correct.</p> <p>11 Q So it would stand to reason that, if</p> <p>12 there were going to be operational changes or</p> <p>13 systematic changes involving the administration of</p> <p>14 psychiatric services, that she would be the person</p> <p>15 that would spearhead it and then run it by you, as</p> <p>16 far as the technical aspect of it?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer.</p> <p>19 A If it were appropriate.</p> <p>20 Q Would you confer with Dr. Ford in terms</p> <p>21 of policy, as far as whether or not it was compliant</p> <p>22 with psychiatric medical-legal guidelines, if you</p> <p>23 were making the change?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>	<p style="text-align: right;">Page 141</p> <p>1 Patricia Yang</p> <p>2 you are talking about dual employment --</p> <p>3 Q Right.</p> <p>4 A Right.</p> <p>5 Q Was there ever a time that there was a</p> <p>6 policy that would permit the directors to engage in</p> <p>7 outside employment?</p> <p>8 A I don't know if it is a policy, but I --</p> <p>9 it is something that would go to COIB.</p> <p>10 Q Conflict of Interest Board.</p> <p>11 A That would something that we would</p> <p>12 discuss internally. We did discuss -- we did have</p> <p>13 a policy, because we wanted to make sure that</p> <p>14 people's clinical boundary between doing evaluations</p> <p>15 and doing treatment were very clear, because we</p> <p>16 don't want to be evaluating people who the same</p> <p>17 person ends of treating, for example.</p> <p>18 Q For example, was there a policy in place</p> <p>19 that allowed the directors to engage in outside</p> <p>20 work, as long as it wasn't in the same borough in</p> <p>21 which they were doing the evaluations?</p> <p>22 A Yeah, I don't remember the specifics of</p> <p>23 where we landed, but yes, there was enough of a</p> <p>24 separation by case and by location of what -- so you</p> <p>25 wouldn't be having a conflict.</p>

<p style="text-align: right;">Page 142</p> <p>1 Patricia Yang</p> <p>2 Q Now, was that fool proof, as far as you</p> <p>3 were concerned?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A Fool proof?</p> <p>7 Q There were times that defendants were</p> <p>8 presented -- let's say the defendant was arrested in</p> <p>9 the Bronx, but there was a shortage, and he had to</p> <p>10 be presented in Brooklyn. Was it fool proof, this</p> <p>11 policy that would allow these directors to work in</p> <p>12 other boroughs? That's my question.</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A So I don't think anything in life is fool</p> <p>16 proof. I believe that we made our best attempt at a</p> <p>17 policy, given the fact that people wanted to</p> <p>18 continue doing work and that there had been no</p> <p>19 guidance before we assumed management of the</p> <p>20 clinics. People just did what they did.</p> <p>21 So we wanted to put out some guidelines,</p> <p>22 and I also rely on each licensed professional to</p> <p>23 maintain their code of ethics.</p> <p>24 Q Now, was there a time that Dr. MacDonald</p> <p>25 actually signed something to this effect that</p>	<p style="text-align: right;">Page 144</p> <p>1 Patricia Yang</p> <p>2 You can answer.</p> <p>3 A We do find that problematic.</p> <p>4 Q So what is the recourse then? Are</p> <p>5 you doing the cost-benefit analysis and permitting</p> <p>6 the practice any way?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A It was brought to my attention -- I don't</p> <p>10 remember when -- that Dr. Ford discovered that,</p> <p>11 before the clinics were consolidated under our</p> <p>12 management, that people moonlighted without any</p> <p>13 guidance and without any guard rails.</p> <p>14 So we endeavored to come up with the best</p> <p>15 policy that gave guidance to people to what they</p> <p>16 could and could not do to minimize the conflict.</p> <p>17 It is not fool proof. It does depend on</p> <p>18 the individual practitioner or professional to use</p> <p>19 his or her own judgment to know when he or she is</p> <p>20 doing something that maybe they shouldn't do.</p> <p>21 Q How do you monitor when there are</p> <p>22 conflicts?</p> <p>23 A I believe the policy actually requires</p> <p>24 somebody to check with somebody in the higher up or</p> <p>25 to report that. I am not clear.</p>
<p style="text-align: right;">Page 143</p> <p>1 Patricia Yang</p> <p>2 allowed them to do this, a policy?</p> <p>3 A Probably.</p> <p>4 Q Would you have approved that?</p> <p>5 A I would have reviewed it.</p> <p>6 Q Ultimately, did you have the ability to</p> <p>7 sign off on whether or not Dr. MacDonald was able to</p> <p>8 issue these policies?</p> <p>9 A That policy was after a lot of discussion</p> <p>10 and a lot of thinking on the part of everybody on</p> <p>11 the team.</p> <p>12 Q But ultimately, the authority --</p> <p>13 A Of course.</p> <p>14 Q -- rested with you?</p> <p>15 A Of course. Everything ends up on me.</p> <p>16 Q Right. But you do admit that there is a</p> <p>17 possibility or potential for a director to end up</p> <p>18 seeing someone or seeing people in another borough</p> <p>19 other where they administer exams?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 You can answer.</p> <p>22 A Yes.</p> <p>23 Q And you don't find that problematic?</p> <p>24 A We do.</p> <p>25 MS. CANFIELD: Objection.</p>	<p style="text-align: right;">Page 145</p> <p>1 Patricia Yang</p> <p>2 Q Everybody time someone actually does</p> <p>3 moonlighting or sees someone, are they to report</p> <p>4 that to their managerial --</p> <p>5 A I don't recall the detail of the policy</p> <p>6 at that point.</p> <p>7 Q How is it enforced then?</p> <p>8 A I believe, as in all things, in a</p> <p>9 division of 1,700 people, you have policies and</p> <p>10 procedures, and you expect people to comply with</p> <p>11 them.</p> <p>12 Q Is it self reporting?</p> <p>13 A Self reporting or other people can report</p> <p>14 on you. That's a good thing in life.</p> <p>15 Q So someone can tell on you or the manager</p> <p>16 or the director has to tell on themselves?</p> <p>17 A Yes. I think that's reasonable.</p> <p>18 Q You do?</p> <p>19 A I think that's what -- how life works.</p> <p>20 People can report situations that they see. People</p> <p>21 can report that they are facing a conundrum on their</p> <p>22 own. I'm not clear on the specific question.</p> <p>23 Q Well, I guess I can go back to your role</p> <p>24 as senior VP of the CHS.</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 146</p> <p>1 Patricia Yang</p> <p>2 Q What is it then? Because you are saying</p> <p>3 you have all of these different -- you have these</p> <p>4 layers between you, and specifically as far as this</p> <p>5 lawsuit is concerned, in CHS and the directors in</p> <p>6 the clinic, right? You say that there is at</p> <p>7 least --</p> <p>8 A Four layers.</p> <p>9 Q Ford and MacDonald?</p> <p>10 A And Bhish, Dr. Jain.</p> <p>11 Q And Dr. Jain. Right?</p> <p>12 So between these three people and the</p> <p>13 directors, you have no real, I guess, input in the</p> <p>14 day-to-day to the director's existence; am I right?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 A Yes.</p> <p>18 Q At any point, you could hire and fire</p> <p>19 these directors yourself, right?</p> <p>20 A At any point I could, but I wouldn't.</p> <p>21 Q Who would?</p> <p>22 A The decision to hire and fire somebody is</p> <p>23 significant.</p> <p>24 Q Yes. And who would be the person for the</p> <p>25 directors?</p>	<p style="text-align: right;">Page 148</p> <p>1 Patricia Yang</p> <p>2 Dr. Ford?</p> <p>3 A Correct.</p> <p>4 Q Dr. Ford, does she have the ability to</p> <p>5 unilaterally decide to hire and fire someone?</p> <p>6 A We don't do things unilaterally in</p> <p>7 Correctional Health Services.</p> <p>8 Q No, but you could though, if you wanted</p> <p>9 to.</p> <p>10 A But I don't.</p> <p>11 Q But the thing is, you could. It is one</p> <p>12 thing that you don't, but ultimately, you do. You</p> <p>13 sign off on the hires and fires; am I right?</p> <p>14 A Correct.</p> <p>15 Q And you also could determine whether or</p> <p>16 not a person is demoted; am I right?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A Is demoted? As much as the hiring and</p> <p>19 firing.</p> <p>20 Q Now, at some point, Dr. Kaye alleges that</p> <p>21 she was demoted after she complained of</p> <p>22 discrimination --</p> <p>23 MS. CANFIELD: Excuse me.</p> <p>24 (Whereupon, a discussion was held off</p> <p>25 the record.)</p>
<p style="text-align: right;">Page 147</p> <p>1 Patricia Yang</p> <p>2 A I wouldn't be the one who would hire or</p> <p>3 fire. I would listen to recommendations. There</p> <p>4 would be discussion.</p> <p>5 Q Would Bhish be the person, or Dr. Jain,</p> <p>6 would he be the person who hired and fired someone?</p> <p>7 A He would be the hiring manager.</p> <p>8 Q Would he be responsible for terminating</p> <p>9 the director?</p> <p>10 A Not on his own.</p> <p>11 Q Who would? Who would he work with?</p> <p>12 A He would work with Labor Relations.</p> <p>13 He would work with Dr. Ford. He would work with</p> <p>14 Dr. MacDonald, our Labor Relations, the system's</p> <p>15 Labor Relations. If it were a manager, which in</p> <p>16 this case, it isn't, it would be the management</p> <p>17 side, Miss Greenfield's side, as opposed to the</p> <p>18 Mr. Wangel's side.</p> <p>19 Q So for example, in this hierarchical</p> <p>20 structure for the court clinics, so above</p> <p>21 Dr. Jain -- Bhish seems to be convenient for me.</p> <p>22 I'm not sure why.</p> <p>23 A Because it is Patsy and Bhish.</p> <p>24 Q Yes.</p> <p>25 Now, above Dr. Jain, there would be</p>	<p style="text-align: right;">Page 149</p> <p>1 Patricia Yang</p> <p>2 (Whereupon, the record was read by the</p> <p>3 reporter.)</p> <p>4 Q Now, at some point she alleges that she</p> <p>5 went from being medical director to director of the</p> <p>6 centers; am I right?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A I recall that she -- she was not -- I</p> <p>10 recall that she took offense to the title, the</p> <p>11 office title of director, because she wanted to be</p> <p>12 medical director.</p> <p>13 At the end of the day, everybody settled</p> <p>14 on all of the clinic directors being called clinical</p> <p>15 directors.</p> <p>16 Q And who was everybody?</p> <p>17 A Oh, gosh. MacDonald, Ford, Jain, Laboy,</p> <p>18 Wangel, me. It was a compromise.</p> <p>19 Q Now, do people call you Dr. Yang at work?</p> <p>20 A Yes.</p> <p>21 Q And --</p> <p>22 A They also call me Patsy though.</p> <p>23 Q They call you Patsy, too, but there is a</p> <p>24 good chance that, if they don't know you, they call</p> <p>25 you Dr. Yang; am I right?</p>

<p style="text-align: right;">Page 150</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q Now, if you are allowed to be called</p> <p>4 Dr. Yang, why shouldn't Dr. Kaye be allowed to be</p> <p>5 called medical director?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 That doesn't make sense to me.</p> <p>9 Q Well --</p> <p>10 A She is still a doctor and people still</p> <p>11 call her doctor.</p> <p>12 Q I mean, what about medical director? Why</p> <p>13 must she be called director versus medical director?</p> <p>14 A We actually thought we were elevating</p> <p>15 everybody in perception, which was to be director of</p> <p>16 the entire clinic operation, not just the medical</p> <p>17 part of that clinic. She took offense to it.</p> <p>18 And my insistence was that every director</p> <p>19 had to have the same title. The other directors</p> <p>20 liked being the director of everything. She didn't</p> <p>21 like being the director of everything. She wanted</p> <p>22 to be just the medical director.</p> <p>23 So we all compromised and came up with</p> <p>24 something like clinical director, and now they are</p> <p>25 all four clinical directors.</p>	<p style="text-align: right;">Page 152</p> <p>1 Patricia Yang</p> <p>2 directors; am I right?</p> <p>3 A Yes.</p> <p>4 Q If I were to get an e-mail from any of</p> <p>5 these directors, they would have clinical director</p> <p>6 in their signature?</p> <p>7 A I don't know because I don't -- I don't</p> <p>8 know what there e-mail signatures are.</p> <p>9 Q You are not getting -- you don't see</p> <p>10 e-mails that are from the directors of the center?</p> <p>11 A Really not.</p> <p>12 Q Never?</p> <p>13 A Never? I will never say never.</p> <p>14 Q But it was still enough of a discussion</p> <p>15 to insist that everyone have the same title; am I</p> <p>16 right?</p> <p>17 A Correct.</p> <p>18 Q Even though Dr. Kaye protested against</p> <p>19 it?</p> <p>20 A She protested against director.</p> <p>21 Q But she also protested against being</p> <p>22 removed from her union title, according to you, and</p> <p>23 you allowed her to stay in it; am I right?</p> <p>24 A She declined -- she did not want to be a</p> <p>25 manager.</p>
<p style="text-align: right;">Page 151</p> <p>1 Patricia Yang</p> <p>2 Q Did that happen while Dr. Kaye was there,</p> <p>3 that they were all clinical directors?</p> <p>4 A Yes, before she resigned.</p> <p>5 Q When did that happen?</p> <p>6 A Probably in 2018, when we took the</p> <p>7 clinics.</p> <p>8 Q Would that have been in her e-mail</p> <p>9 signature, clinical director?</p> <p>10 A I don't know. I only got one e-mail from</p> <p>11 her when she was still at Bellevue.</p> <p>12 Q Did any of the other directors have</p> <p>13 clinical director in their e-mail signature?</p> <p>14 A I don't know.</p> <p>15 Q How would you know if this actually took</p> <p>16 place, that they were called clinical directors,</p> <p>17 rather than directors?</p> <p>18 A I hope it is in the org chart?</p> <p>19 Q But you are not sure whether or not they</p> <p>20 were just directors or clinical directors until</p> <p>21 today.</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 You can answer.</p> <p>24 A Until today?</p> <p>25 Q Yes. Now they are still clinical</p>	<p style="text-align: right;">Page 153</p> <p>1 Patricia Yang</p> <p>2 Q So how is it that you allowed her to</p> <p>3 decline being a manager, but you don't allow her to</p> <p>4 keep her medical director title?</p> <p>5 A I made a concession to her. I</p> <p>6 conceded -- so that she could get a retention bonus,</p> <p>7 I conceded holding back, postponing, the moving of</p> <p>8 the clinic to July 1, not like April 1.</p> <p>9 As a concession to her, I said, fine, we</p> <p>10 will make an exception and let her stay as an</p> <p>11 Attending Physician, because she didn't want to be a</p> <p>12 manager.</p> <p>13 What I didn't want to do was have, on a</p> <p>14 public facing side, that the Bronx director would be</p> <p>15 different from what the public saw in Manhattan,</p> <p>16 Brooklyn, and Queens.</p> <p>17 Q But you had doctors who were directors,</p> <p>18 and you had non-doctors who were directors. For</p> <p>19 example, Dr. Mundy is a psychiatrist, right? And</p> <p>20 then you have -- Miss Owens wasn't a doctor; am I</p> <p>21 right?</p> <p>22 A She is a clinical psychologist.</p> <p>23 Q You said she is a clinical psychologist</p> <p>24 on psychiatrist?</p> <p>25 A I think she is a psychologist.</p>

<p style="text-align: right;">Page 154</p> <p>1 Patricia Yang</p> <p>2 Q You are not sure?</p> <p>3 A It has been so long. I'm sorry.</p> <p>4 Q So you are not sure who is a doctor and</p> <p>5 who is not amongst your staff?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A I know that they are qualified for the</p> <p>9 job.</p> <p>10 Q Mr. Winkler is not a doctor is he?</p> <p>11 A He is a psychologist.</p> <p>12 Q He is not?</p> <p>13 A Okay.</p> <p>14 Q So --</p> <p>15 A I don't know.</p> <p>16 Q There is a distinction. It is a very --</p> <p>17 I guess there is a -- psychiatrists could prescribe</p> <p>18 medicine, and they are doctors. Psychologists are</p> <p>19 not. So there is a distinction.</p> <p>20 It is not that Dr. Kaye was the only</p> <p>21 doctor. You did have at least Dr. Mundy on staff.</p> <p>22 So why is it that she and Dr. Mundy could not be</p> <p>23 referred to as medical directors?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 You can answer.</p>	<p style="text-align: right;">Page 156</p> <p>1 Patricia Yang</p> <p>2 that psychiatrists can prescribe medications and</p> <p>3 psychologists can't.</p> <p>4 Q Because you were telling me you weren't</p> <p>5 sure. That's why I made the distinction between</p> <p>6 psychiatrists and psychologists.</p> <p>7 A Because from my remote perspective, the</p> <p>8 fact that somebody is running the clinical operation</p> <p>9 of these evaluation clinics, they can be a</p> <p>10 psychiatrist or psychologist. Either way, they are</p> <p>11 qualified to do that, and that's what matters to me.</p> <p>12 I don't retain that level of detail after years of</p> <p>13 who is what in what payroll title or what.</p> <p>14 Q Okay.</p> <p>15 MS. CANFIELD: Off the record.</p> <p>16 (Whereupon, a discussion was held off</p> <p>17 the record, and a lunch recess was taken at</p> <p>18 this time.)</p> <p>19 MS. HAGAN: We are back on the record,</p> <p>20 and I want to show Patsy what is marked as</p> <p>21 Plaintiff's Exhibit 4.</p> <p>22 (Six pages containing Correctional</p> <p>23 Health Services organizational charts were</p> <p>24 received and marked Plaintiff's Exhibit 4</p> <p>25 for identification at this time.)</p>
<p style="text-align: right;">Page 155</p> <p>1 Patricia Yang</p> <p>2 A As a system and as a unified service,</p> <p>3 which is what we were making the court clinic</p> <p>4 service -- and it is no longer called the court</p> <p>5 clinics. It is FPECC. Right? It is the Forensic</p> <p>6 Psychiatric Evaluation Court Clinics.</p> <p>7 That service was unified. There was a</p> <p>8 desire to standardize not just what they did, but</p> <p>9 what they looked like. And the fact that some</p> <p>10 people could have a different office title was</p> <p>11 something that was visible to the public and the</p> <p>12 world that we felt needed to be consistent.</p> <p>13 Q But you had people with different</p> <p>14 backgrounds in these positions.</p> <p>15 A And they were qualified for them. The</p> <p>16 clinic here is not a treatment clinic.</p> <p>17 Q No, it is an evaluation --</p> <p>18 A Correct.</p> <p>19 Q They are evaluating?</p> <p>20 A Correct.</p> <p>21 Q So is that your explanation as to why</p> <p>22 they don't have to be called medical director,</p> <p>23 because it was evaluation versus the treatment?</p> <p>24 A No. I am trying to make that</p> <p>25 differentiation when you were pointing out to me</p>	<p style="text-align: right;">Page 157</p> <p>1 Patricia Yang</p> <p>2 MS. HAGAN: For the record, Plaintiff's</p> <p>3 Exhibit 4 consists of organizational charts</p> <p>4 for Correctional Health Services, updated</p> <p>5 July 2019, and they have various Bates stamp</p> <p>6 numbers. So one is NYC 1622, NYC 1636, NYC</p> <p>7 1630, NYC 1634, NYC 1635, and NYC 1629.</p> <p>8 BY MS. HAGAN:</p> <p>9 Q Now, to the extent that you can read --</p> <p>10 some of them are smaller than others, because I had</p> <p>11 problems and thought it was just me reading the org</p> <p>12 chart. We are going to try to stick to the ones we</p> <p>13 can actually all read.</p> <p>14 So do you recognize these org charts, by</p> <p>15 any chance, Patsy?</p> <p>16 A Yes.</p> <p>17 Q So Exhibit 4 consists of org charts that</p> <p>18 were updated on July 2019. Were these org charts</p> <p>19 developed in the ordinary course of business at CHS?</p> <p>20 A Yes.</p> <p>21 Q Who is responsible for doing the org</p> <p>22 charts?</p> <p>23 A Every department head does their own, and</p> <p>24 Shavon Reid-Smith, who is my executive manager,</p> <p>25 collects them.</p>

<p style="text-align: right;">Page 158</p> <p>1 Patricia Yang</p> <p>2 Q I want to start with the org chart on</p> <p>3 top, which is on 1622.</p> <p>4 Now, you report to Dr. Katz; is that</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q And so, by any chance, did Dr. Katz have</p> <p>8 any conversations with you about Dr. Kaye?</p> <p>9 A No.</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 Q Was there ever a time that Dr. Katz ever</p> <p>12 asked you about Dr. Kaye or any complaints that he</p> <p>13 may have received from Dr. Kaye?</p> <p>14 A Not that I can recall.</p> <p>15 Q So you don't recall a time where Dr. Kaye</p> <p>16 complained to Dr. Katz about being discriminated</p> <p>17 against based upon her religion or any of the other</p> <p>18 things we have discussed today?</p> <p>19 A I don't remember the content of her</p> <p>20 complaint, but I do know that towards the end, she</p> <p>21 did write to him, among other parties.</p> <p>22 Q Did Dr. Katz ever talk to you about her?</p> <p>23 A No.</p> <p>24 Q Why not?</p> <p>25 A That's not Dr. Katz's management style.</p>	<p style="text-align: right;">Page 160</p> <p>1 Patricia Yang</p> <p>2 issues get raised to the Office of Legal Affairs,</p> <p>3 and, specifically, to Miss Greenfield.</p> <p>4 Q But you have never spoken to the EEO</p> <p>5 officer or had any familiarity with the EEO policy,</p> <p>6 right?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 A That's not what I said. I said was aware</p> <p>9 of the EEO policy. I have read it. My staff</p> <p>10 handled the EEO issues with our EEO officer, and</p> <p>11 that I, at executive level, raise issues as</p> <p>12 appropriate to Miss Greenfield.</p> <p>13 Q So Miss Greenfield presided over the</p> <p>14 legal department; isn't that right?</p> <p>15 A Actually --</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A I believe Andrea Cohen does.</p> <p>18 Q Who is Andrea Cohen?</p> <p>19 A She is the general counsel.</p> <p>20 Q So Miss Greenfield reports to Andrea</p> <p>21 Cohen?</p> <p>22 A Yes.</p> <p>23 Q And what is Miss Greenfield's title?</p> <p>24 A Deputy General Counsel.</p> <p>25 Q This is kind of odd because she could --</p>
<p style="text-align: right;">Page 159</p> <p>1 Patricia Yang</p> <p>2 He depends on his senior people to handle things and</p> <p>3 work together, and if there is an issue, to escalate</p> <p>4 it to him. If he has a particular question, he has</p> <p>5 no problem asking it.</p> <p>6 Q Did you ever talk to Dr. Katz himself,</p> <p>7 even though he didn't reach out to you about</p> <p>8 Dr. Kaye?</p> <p>9 A I don't recall doing that.</p> <p>10 Q Now, as far as the EEO policy is</p> <p>11 concerned, is Dr. Katz the person that would sign</p> <p>12 off on any EEO complaints, as far as you are</p> <p>13 concerned?</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 You can answer.</p> <p>16 A I don't know that he does.</p> <p>17 Q Well --</p> <p>18 A I suspect he is aware of the issues that</p> <p>19 the system would raise to his attention as</p> <p>20 appropriate.</p> <p>21 Q To the extent -- you said that you didn't</p> <p>22 know who the EEO officer was; is that right?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A I don't know the name, but all of my</p>	<p style="text-align: right;">Page 161</p> <p>1 Patricia Yang</p> <p>2 Miss Greenfield could potentially be a witness. I'm</p> <p>3 not sure. She is Deputy General Counsel. She is</p> <p>4 providing you with legal advice; is that right?</p> <p>5 A Yes.</p> <p>6 Q Is Miss Greenfield also the EEO officer,</p> <p>7 by any chance?</p> <p>8 A I believe she is.</p> <p>9 Q Okay.</p> <p>10 A But my issues are not to her as the EEO</p> <p>11 officer. The EEO issues are handled by Jessica</p> <p>12 Laboy, currently in that job, with the EEO officer</p> <p>13 designated to us.</p> <p>14 But my issue is that I deal with all</p> <p>15 issues that have to do with serious employee</p> <p>16 complaints or issues or unhappiness or incidents,</p> <p>17 and I always make Miss Greenfield aware.</p> <p>18 Q So you are not sure if Miss Greenfield is</p> <p>19 the EEO officer; is that right?</p> <p>20 A I know -- sorry. I know the official EEO</p> <p>21 officer is in the Office of Legal Affairs.</p> <p>22 Q Is that Miss Greenfield?</p> <p>23 A Probably.</p> <p>24 MS. HAGAN: This is odd because you are</p> <p>25 not being deposed.</p>

<p style="text-align: right;">Page 162</p> <p>1 Patricia Yang</p> <p>2 MS. GREENFIELD: I'm not the EEO</p> <p>3 officer.</p> <p>4 MS. HAGAN: Miss Greenfield, for the</p> <p>5 record, who is here has testified --</p> <p>6 MS. GREENFIELD: I'm not testifying.</p> <p>7 I'm just saying.</p> <p>8 MS. HAGAN: You are the not the EEO</p> <p>9 officer?</p> <p>10 MS. GREENFIELD: No.</p> <p>11 MS. HAGAN: I can't ask you because you</p> <p>12 are not being deposed.</p> <p>13 MS. GREENFIELD: Do you want to step</p> <p>14 outside for a second?</p> <p>15 MS. HAGAN: Can we?</p> <p>16 MS. CANFIELD: Off the record.</p> <p>17 (Whereupon, a discussion was held off</p> <p>18 the record.)</p> <p>19 BY MS. HAGAN:</p> <p>20 Q So we were looking at the org chart</p> <p>21 before. We are back on the record. We were looking</p> <p>22 at the org chart before, before you stepped out or</p> <p>23 we went on a break, a small break.</p> <p>24 A Yes.</p> <p>25 Q So the org chart, Exhibit 4, we were</p>	<p style="text-align: right;">Page 164</p> <p>1 Patricia Yang</p> <p>2 for identification at this time.)</p> <p>3 MS. HAGAN: I am going to show you what</p> <p>4 was marked as -- well, I will give you the</p> <p>5 stapled version. This is Plaintiff's</p> <p>6 Exhibit 5. All right?</p> <p>7 This is titled "Operating Procedure</p> <p>8 20-32, Equal Opportunity Program."</p> <p>9 (Whereupon, a discussion was held off</p> <p>10 the record.)</p> <p>11 MS. HAGAN: For the record, I did</p> <p>12 mention it was Operating Procedure Number</p> <p>13 20-32, Equal Employment Opportunity Program,</p> <p>14 and it bears the Bates series D715 through</p> <p>15 D729.</p> <p>16 Q Now, by any chance do you recognize this</p> <p>17 document, Patsy?</p> <p>18 I'm sorry. I'm going to say Dr. Yang.</p> <p>19 It is very deferential. I feel better about it. I</p> <p>20 can't help it.</p> <p>21 A It is not a problem. It's fine. Do it.</p> <p>22 That's okay.</p> <p>23 (Whereupon, a discussion was held off</p> <p>24 the record.)</p> <p>25 A Yes. This is the policies of the system.</p>
<p style="text-align: right;">Page 163</p> <p>1 Patricia Yang</p> <p>2 discussing whether or not you had spoken to Dr. Katz</p> <p>3 about whether or not Dr. Kaye had actually --</p> <p>4 whether or not Dr. Katz had spoken to you about</p> <p>5 Dr. Kaye. There is a lot of Ks. And you said he</p> <p>6 had not, right?</p> <p>7 A Correct.</p> <p>8 Q And that you had never brought her up to</p> <p>9 him because of just how things were at HHC?</p> <p>10 A Correct.</p> <p>11 Q Right?</p> <p>12 A Yes.</p> <p>13 Q You said that, just to make sure, that</p> <p>14 there is an EEO policy, but you are not sure who the</p> <p>15 EEO officer of HHC is right now?</p> <p>16 A I don't know the name of it, but that's</p> <p>17 not how I would do it. My Chief Administrative</p> <p>18 Officer is the person who works with the EEO</p> <p>19 officer, and at an executive level, I make Blanche</p> <p>20 Greenfield aware of issues involving my employees.</p> <p>21 (A document entitled "NYC Health and</p> <p>22 Hospitals Operating Procedure No. 20-32,</p> <p>23 Equal Employment Opportunity (EEO) Program,"</p> <p>24 Bates stamped D000715 through D000729, was</p> <p>25 Received and marked Plaintiff's Exhibit 5</p>	<p style="text-align: right;">Page 165</p> <p>1 Patricia Yang</p> <p>2 Q Okay. So you are aware of this policy,</p> <p>3 right?</p> <p>4 A Yes.</p> <p>5 Q You have seen it before?</p> <p>6 A Yes.</p> <p>7 Q And where did you see this?</p> <p>8 A This is a shared site in the</p> <p>9 corporation -- I'm sorry, in Health and Hospitals,</p> <p>10 where policies are posted.</p> <p>11 Q Thank you.</p> <p>12 So to your understanding, for example, it</p> <p>13 says -- it goes into the types of -- let's see.</p> <p>14 First off, it goes into, in general, the</p> <p>15 purpose, right? And it basically talks about the</p> <p>16 system's Equal Employment Opportunity Program, and</p> <p>17 you are aware of that, I take it, being an employee</p> <p>18 of H and H; am I right?</p> <p>19 A Yes.</p> <p>20 Q And it goes into the fact that there is</p> <p>21 an EEO office and it is staffed by EEO personnel; is</p> <p>22 that right? And are you familiar with that, is that</p> <p>23 right?</p> <p>24 A Yes.</p> <p>25 Q And do you know where the EEO office is?</p>

<p style="text-align: right;">Page 166</p> <p>1 Patricia Yang</p> <p>2 A I don't know the address. I don't know</p> <p>3 if it is at 55 Water or 160. I think it is at 55</p> <p>4 Water.</p> <p>5 Q And, again, you are not quite sure where</p> <p>6 or how a person would go about making a complaint</p> <p>7 with the EEO, an EEO complaint, right?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 You can answer.</p> <p>10 A I know that Ms. Laboy contacts the EEO</p> <p>11 officer and they exchange information and discuss</p> <p>12 the case as needed, or the complaint.</p> <p>13 Q Now, I want to draw your attention to</p> <p>14 page 724 of the policy?</p> <p>15 MS. CANFIELD: Bates stamp?</p> <p>16 MS. HAGAN: Bates stamp 724.</p> <p>17 Q Now, have you gotten a chance to look at</p> <p>18 paragraph B?</p> <p>19 A I didn't know that was the paragraph we</p> <p>20 were looking at, but sure.</p> <p>21 Q Okay.</p> <p>22 A Yes.</p> <p>23 Q Now, in this instance, it talks about</p> <p>24 complaints against senior management staff.</p> <p>25 Now, would you consider Dr. Kaye's</p>	<p style="text-align: right;">Page 168</p> <p>1 Patricia Yang</p> <p>2 of General Counsel is a complex division. It is</p> <p>3 counsel also to the Board of Directors, not just to</p> <p>4 the department -- to the corporation itself. I'm</p> <p>5 not sure -- I don't understand the question.</p> <p>6 Q Well, there is a question of whether or</p> <p>7 not you would have access to recourse if the lawyers</p> <p>8 who are advising the agency typically are acting in</p> <p>9 the capacity as EEO officer. Would that be fair?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 You can answer.</p> <p>12 A I'm missing the --</p> <p>13 Q You say you go to Miss Greenfield when</p> <p>14 you have EEO complaints; is that right?</p> <p>15 A What I said was that my Chief</p> <p>16 Administrative Officer goes to the EEO officer on</p> <p>17 EEO matters. And issues involving my staff, I</p> <p>18 generally -- if they are serious enough, I will make</p> <p>19 the Office of Legal Affairs, specifically Blanche</p> <p>20 Greenfield, aware.</p> <p>21 Q But in this instance, for example,</p> <p>22 Dr. Kaye continued to complain about pay disparity,</p> <p>23 religious discrimination, gender discrimination.</p> <p>24 She complained about these things after -- at least</p> <p>25 with the EEOC charge.</p>
<p style="text-align: right;">Page 167</p> <p>1 Patricia Yang</p> <p>2 complaint a complaint against senior management</p> <p>3 staff?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A Yes.</p> <p>7 Q And here is says that it would go to the</p> <p>8 Office of Legal Affairs, right?</p> <p>9 A Correct.</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 Q Now, in this instance, if that's the</p> <p>12 case, would it be your understanding that the Office</p> <p>13 of Legal Affairs, their responsibility is to protect</p> <p>14 the agency or to be neutral in such instances of a</p> <p>15 complaint of discrimination?</p> <p>16 A To be neutral.</p> <p>17 MS. CANFIELD: Let me get an objection</p> <p>18 in.</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 Q Now, would you think that there is a</p> <p>21 conflict of interest in this instance, because,</p> <p>22 typically, a lawyer would advise their clients how</p> <p>23 to avoid liability?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A I don't believe so. I think the Office</p>	<p style="text-align: right;">Page 169</p> <p>1 Patricia Yang</p> <p>2 You said you went to back to Miss</p> <p>3 Greenfield about that; is that right?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A Yes, and Mr. Hicks.</p> <p>7 Q But, again, Mr. Hicks was not in any</p> <p>8 position to address these issues at this point. She</p> <p>9 was a member of your staff when she filed the EEOC</p> <p>10 charge?</p> <p>11 A But the allegation of wrongdoing was</p> <p>12 related to her time at Bellevue, not with me.</p> <p>13 Q It is your testimony there was no pay</p> <p>14 disparity once she came onto your staff?</p> <p>15 A What I believe is that the -- when people</p> <p>16 came over to us, that the pay equity issue was</p> <p>17 looked at for all of the clinical directors.</p> <p>18 Q Now, you said that -- first off, you said</p> <p>19 that you delayed, I guess, absorbing the Bronx</p> <p>20 clinic right at first because you wanted to ensure</p> <p>21 that Dr. Kaye received her retention and longevity;</p> <p>22 is that right?</p> <p>23 A That's correct, because she raised</p> <p>24 concern that she would lose her retention bonus.</p> <p>25 And so I agreed and held off on moving that over so</p>

<p style="text-align: right;">Page 170</p> <p>1 Patricia Yang</p> <p>2 she could be on the Bellevue payroll until July 1.</p> <p>3 Q July of what?</p> <p>4 A 2018.</p> <p>5 Q Right. Now, she complained in May of</p> <p>6 2018; is that right?</p> <p>7 A That's correct.</p> <p>8 Q So you are saying that because you waited</p> <p>9 until July of 2018, that whatever pay disparity</p> <p>10 issues she had, they were resolved before you got</p> <p>11 her on?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 A That was my understanding.</p> <p>14 Q But then Dr. Kaye was also employed again</p> <p>15 from July 2018 to 2019. She was still working. Now</p> <p>16 she is working solely on CHS; would that be fair to</p> <p>17 say?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 You can answer.</p> <p>20 A She is still working in the Bronx clinic</p> <p>21 doing evaluations, but now under our support and not</p> <p>22 Bellevue's.</p> <p>23 Q Right. So she is on your payroll?</p> <p>24 A Correct.</p> <p>25 Q And she is still complaining about pay</p>	<p style="text-align: right;">Page 172</p> <p>1 Patricia Yang</p> <p>2 to call her or say, "Why don't you meet with me</p> <p>3 about this"?</p> <p>4 A No.</p> <p>5 Q Why not?</p> <p>6 A I get so many complaints from so many</p> <p>7 people that are getting resolved through the</p> <p>8 supervisory structure, which is why it is there, as</p> <p>9 a division, and we look into issues. If there is a</p> <p>10 resolution that needs to be made, it is done. If</p> <p>11 explanation needs to be given, it is done, not by</p> <p>12 me, personally.</p> <p>13 Q But you felt that Dr. Kaye was a, quote,</p> <p>14 unquote, difficult employee. That is what you</p> <p>15 heard, right?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A Yes, but not at that point in time, and</p> <p>18 this didn't factor into whether I would speak to her</p> <p>19 or not. She is four levels away.</p> <p>20 Q You heard from various people that</p> <p>21 Dr. Kaye was a difficult employee, right?</p> <p>22 A People don't come up to me and say,</p> <p>23 "Dr. Kaye is a difficult person." It was a general</p> <p>24 sense.</p> <p>25 There would be, "Here's another e-mail,"</p>
<p style="text-align: right;">Page 171</p> <p>1 Patricia Yang</p> <p>2 disparity?</p> <p>3 A Correct.</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 Q And did you do anything at that point,</p> <p>7 now that she is on your payroll complaining about</p> <p>8 pay disparity?</p> <p>9 A I did two things. As I said before, I</p> <p>10 raised it again to Miss Greenfield and Mr. Hicks,</p> <p>11 asking or expressing peak that I thought it had been</p> <p>12 resolved for the Bellevue allegations.</p> <p>13 And while her allegations had nothing to</p> <p>14 do with the parity with CHS, I did ask my HR people</p> <p>15 to look and make sure that there wasn't that issue</p> <p>16 existing on our side, and there wasn't.</p> <p>17 Q Now, at any point, did you speak to</p> <p>18 Dr. Kaye about her complaints personally?</p> <p>19 A No.</p> <p>20 Q Why not?</p> <p>21 A Too far removed up the chain.</p> <p>22 Q At some point, didn't you tell her you</p> <p>23 would look into it, via e-mail?</p> <p>24 A That was by e-mail in May.</p> <p>25 Q But you never felt compelled or obliged</p>	<p style="text-align: right;">Page 173</p> <p>1 Patricia Yang</p> <p>2 "Here's another complaint," "Here's the same</p> <p>3 complaint," "Here's a different complaint."</p> <p>4 And so Dr. Kaye's concerns, she has every</p> <p>5 right to raise them. Every attempt was made to</p> <p>6 resolve them. Numerous attempts were made to</p> <p>7 explain the resolution.</p> <p>8 Q Right. You testified earlier that Dr --</p> <p>9 that you had other doctors that refused to work with</p> <p>10 Dr. Kaye; is that right?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer.</p> <p>13 A That's not correct.</p> <p>14 Q What was it then?</p> <p>15 A As I said earlier, it came to my</p> <p>16 attention that Dr. Kaye wished to stay at Bellevue.</p> <p>17 So I made an inquiry on her behalf, and then late in</p> <p>18 2018 maybe, probably toward the end of the year, it</p> <p>19 was made -- I was made aware that she had requested</p> <p>20 also to transfer out somewhere to Bellevue, so I</p> <p>21 made another inquiry.</p> <p>22 Q Did anyone express interest in working</p> <p>23 with Dr. Kaye?</p> <p>24 A No.</p> <p>25 Q No one?</p>

<p style="text-align: right;">Page 174</p> <p>1 Patricia Yang</p> <p>2 A Not to my knowledge.</p> <p>3 Q Now, going back to this org chart here --</p> <p>4 now, on the org chart, we established that your</p> <p>5 direct report is Dr. Katz?</p> <p>6 A That's correct.</p> <p>7 Q How long has Dr. Katz been your direct</p> <p>8 report?</p> <p>9 A Oh, gosh. Oh, I don't remember when he</p> <p>10 started.</p> <p>11 MS. CANFIELD: I want to put in an</p> <p>12 objection. I don't know if you are his</p> <p>13 direct report or you are his.</p> <p>14 Q I was talking about, he is your</p> <p>15 supervisor.</p> <p>16 A He is my supervisor since he became the</p> <p>17 president of Health and Hospitals.</p> <p>18 Q When did he become the president?</p> <p>19 A That's the one I don't remember.</p> <p>20 Q Okay. Has he gotten a chance to evaluate</p> <p>21 you since you have been there?</p> <p>22 A He has.</p> <p>23 Q And what was your evaluation?</p> <p>24 A Exceeds expectations.</p> <p>25 Q How many times has he evaluated you?</p>	<p style="text-align: right;">Page 176</p> <p>1 Patricia Yang</p> <p>2 Q Who are Dr. MacDonald's direct reports?</p> <p>3 A Those boxes there (indicating).</p> <p>4 Q So when you say "those boxes," you are</p> <p>5 talking about Mr. Rosner --</p> <p>6 A Dr. Rosner.</p> <p>7 Q Dr. Rosner.</p> <p>8 A Dr. Rosner, Dr. Ford, Ms. Arias, and</p> <p>9 Ms. Jordan.</p> <p>10 Q And is Dr. Ford still with CHS?</p> <p>11 A No. She just left a couple of weeks ago.</p> <p>12 Q And what with was the circumstances of</p> <p>13 her departure?</p> <p>14 A Voluntary. She chose to go to the</p> <p>15 community to head up a -- to work in a community</p> <p>16 agency, because the quality of care we were</p> <p>17 providing through CHS exceeds that of the community.</p> <p>18 So when we stabilize people, and they leave jail,</p> <p>19 they deteriorate, and they come back to us.</p> <p>20 So her calling at that point was that she</p> <p>21 wanted us to begin to balance out the quality and</p> <p>22 availability of good quality care in the community</p> <p>23 in the City of New York.</p> <p>24 Q Had there ever been complaints about</p> <p>25 Dr. Ford?</p>
<p style="text-align: right;">Page 175</p> <p>1 Patricia Yang</p> <p>2 A Once.</p> <p>3 Q Now, you testified earlier that</p> <p>4 Dr. MacDonald is the Chief Medical Officer,</p> <p>5 Mr. Castellanos is the Chief Operations Officer, and</p> <p>6 Miss Laboy is the Chief Administrative Officer.</p> <p>7 And you have Mr. Anderson as the</p> <p>8 Assistant Vice President of Finance and Risk, and</p> <p>9 then you have Michele Martelle -- I don't think you</p> <p>10 mentioned earlier. She is the Assistant Vice</p> <p>11 President for Planning Evaluation and Re-Entry</p> <p>12 Support Services. Right?</p> <p>13 So with these different units, where does</p> <p>14 -- I would say that Dr. Kaye would have to -- would</p> <p>15 it stand to reason that Dr. Kaye would fall under</p> <p>16 Dr. MacDonald's section? Right?</p> <p>17 A That's correct.</p> <p>18 Q And so all together, how many people does</p> <p>19 Dr. MacDonald manage?</p> <p>20 A I couldn't tell you.</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 You can answer.</p> <p>23 Q How many?</p> <p>24 A I don't know. Off the top of my head, I</p> <p>25 can't tell you.</p>	<p style="text-align: right;">Page 177</p> <p>1 Patricia Yang</p> <p>2 A Not to my knowledge.</p> <p>3 Q Had anyone filed any complaints of</p> <p>4 discrimination against Dr. Ford?</p> <p>5 A Not to my knowledge.</p> <p>6 Q Have there been any complaints about her</p> <p>7 performance?</p> <p>8 A Definitely not to my knowledge.</p> <p>9 Q Do you know if Dr. MacDonald evaluated</p> <p>10 Dr. Ford?</p> <p>11 A I believe he did.</p> <p>12 Q And are you aware of his -- you know,</p> <p>13 what he rated her as?</p> <p>14 A I didn't see it directly because -- I</p> <p>15 didn't see it directly, but I would conclude that it</p> <p>16 was the highest.</p> <p>17 Q And you are just saying this --</p> <p>18 A Because she is an exceptional</p> <p>19 psychiatrist, an exceptional employee, an</p> <p>20 exceptional leader.</p> <p>21 Q Now, I am going to draw you to what is</p> <p>22 Bates stamped as NYC 1630, which is, I guess, two</p> <p>23 pages back.</p> <p>24 A Okay.</p> <p>25 Q And it is the Chief Administrative</p>

<p style="text-align: right;">Page 178</p> <p>1 Patricia Yang</p> <p>2 Officer, I guess, chart. Are we on the same page?</p> <p>3 A Yes.</p> <p>4 Q Now, it appears during the course of, I</p> <p>5 guess, Dr. Kaye's tenure at the Bronx clinic, she</p> <p>6 started reporting to a Samantha Kent?</p> <p>7 A Who?</p> <p>8 Q Samantha Kent.</p> <p>9 A I'm sorry?</p> <p>10 Q Do you see Samantha Kent on the org</p> <p>11 chart?</p> <p>12 A That who reported to Sam?</p> <p>13 Q Dr. Kaye. At least some of the staff at</p> <p>14 the Bronx court clinic reported to Samantha Kent?</p> <p>15 A Not to my knowledge.</p> <p>16 Q Okay. Samantha Kent is here listed as</p> <p>17 Senior Associate Director of Labor Relations, right?</p> <p>18 A Correct.</p> <p>19 Q And who did Miss Kent report to before?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 You can answer.</p> <p>22 A Before what?</p> <p>23 Q Well, you have -- before Jessica Laboy,</p> <p>24 who was she reporting to?</p> <p>25 A Jonathan Wangel.</p>	<p style="text-align: right;">Page 180</p> <p>1 Patricia Yang</p> <p>2 monitoring Dr. Kaye's e-mails?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 You can answer.</p> <p>5 A Yes.</p> <p>6 Q Okay. Could you elaborate?</p> <p>7 A I don't remember the date, but there was</p> <p>8 concern that, against system policy, that protected</p> <p>9 information was being sent inappropriately from the</p> <p>10 system's computers.</p> <p>11 Q What policy?</p> <p>12 A There is a system policy. I don't know</p> <p>13 the name of it, but you, basically, are not supposed</p> <p>14 to be using your personal devices for corporate</p> <p>15 work.</p> <p>16 Q What would prompt an investigation into a</p> <p>17 person's e-mail?</p> <p>18 A If there is reasonable suspicion that</p> <p>19 somebody is inappropriately transmitting material</p> <p>20 that shouldn't be transmitted.</p> <p>21 Q What constitutes reasonable suspicion?</p> <p>22 What does that mean?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A It can be a number of things. It could</p>
<p style="text-align: right;">Page 179</p> <p>1 Patricia Yang</p> <p>2 Q Did she report to Clarence Muir, too, or</p> <p>3 no?</p> <p>4 A No.</p> <p>5 Q It is just Samantha Kent and Jonathan</p> <p>6 Wangel?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 Q Right?</p> <p>9 A Right.</p> <p>10 Q So as far as the Director of Labor</p> <p>11 Relations, what did you have in mind for the Senior</p> <p>12 Director or -- well, was Mr. Wangel Senior Associate</p> <p>13 Director of Labor Relations or just Senior Director?</p> <p>14 A Senior Director.</p> <p>15 Q Okay. So what did Mr. Wangel's job</p> <p>16 entail?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer.</p> <p>19 A With staff to resolve issues, working</p> <p>20 with the unions, negotiating with unions in</p> <p>21 cooperation with the corporate central office Labor</p> <p>22 Relations, solving complaints, handling cases,</p> <p>23 grievances, disciplinaries.</p> <p>24 Q Was there ever a time that you or -- did</p> <p>25 it come to your attention that Mr. Wangel was</p>	<p style="text-align: right;">Page 181</p> <p>1 Patricia Yang</p> <p>2 be the number of people who report it, the degree of</p> <p>3 suspicion, the level of documentation or proof,</p> <p>4 or -- yeah, people reporting.</p> <p>5 Q So you are saying people reporting. Who</p> <p>6 was reporting about Dr. Kaye's use?</p> <p>7 A There was a concern that was raised about</p> <p>8 whether there were draft policies, internal, that</p> <p>9 had not been finalized, that were finding their way</p> <p>10 to external agencies.</p> <p>11 Q And could you explain how that came</p> <p>12 about, the concerns?</p> <p>13 A I don't know the details of it, but when</p> <p>14 it came to me, it was presented that there was</p> <p>15 enough concern that there was inappropriate</p> <p>16 transmittal or sharing of materials and that they</p> <p>17 wanted to check her e-mail, so I said fine.</p> <p>18 Q Did you direct anyone to go into</p> <p>19 Dr. Kaye's e-mail?</p> <p>20 A I did not direct, but I approved.</p> <p>21 Q Did you ask them to?</p> <p>22 A No, but that's not the way it operates.</p> <p>23 Q Explain how someone would -- how this</p> <p>24 process of going into someone's e-mails works then.</p> <p>25 A I don't know the details of it, but what</p>

<p style="text-align: right;">Page 182</p> <p>1 Patricia Yang</p> <p>2 happens is there -- one of my senior team, or, in</p> <p>3 this case, several would come to me and say there is</p> <p>4 reasonable concern that material is being</p> <p>5 inappropriately transmitted, and they wanted to run</p> <p>6 a check with IT, central IT.</p> <p>7 Q Okay.</p> <p>8 A And I said fine.</p> <p>9 Q So who told you that? Who did that?</p> <p>10 A It was a shared concern that was raised</p> <p>11 to me. Certainly, Jonathan did, Dr. Ford, Dr. Jain,</p> <p>12 and Dr. MacDonald.</p> <p>13 Q So did you know of anybody who had</p> <p>14 first-hand knowledge that Dr. Kaye was allegedly</p> <p>15 sharing these incomplete or, I guess, unfinalized</p> <p>16 policies with external staff?</p> <p>17 A I do not have first hand, no.</p> <p>18 Q I mean, did you know of anyone for a</p> <p>19 fact -- these people are telling you that Dr. Kaye</p> <p>20 is allegedly e-mailing specifically these policies?</p> <p>21 A And possibly other materials.</p> <p>22 Q Right. But of these people that you just</p> <p>23 named, did you find out that they knew for a fact,</p> <p>24 first hand, this is what she was doing?</p> <p>25 A No. That was why they were proposing to</p>	<p style="text-align: right;">Page 184</p> <p>1 Patricia Yang</p> <p>2 answered.</p> <p>3 Q So your senior team raised the issue.</p> <p>4 There is a review of the e-mails. Do you know what</p> <p>5 happened after they reviewed the e-mails? Did they</p> <p>6 find that Dr. Kaye had sent these e-mails outside of</p> <p>7 policy?</p> <p>8 A As I recall, there was -- there were</p> <p>9 transmittals from her work account to her Gmail</p> <p>10 account.</p> <p>11 Q And what happened once these were found,</p> <p>12 these transmittals to her Gmail account?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A I believe she was reminded -- I don't</p> <p>16 know in what manner -- not to do that. And I</p> <p>17 believe that maybe an e-mail was sent to everybody</p> <p>18 else reminding them not to send work materials</p> <p>19 unsecured to their personal.</p> <p>20 MS. HAGAN: Now, I'm going to show</p> <p>21 you --</p> <p>22 I don't think I made the copies of</p> <p>23 this. I thought I did.</p> <p>24 (Whereupon, a discussion was held off</p> <p>25 the record.)</p>
<p style="text-align: right;">Page 183</p> <p>1 Patricia Yang</p> <p>2 investigate.</p> <p>3 Q Were they doing that with the other</p> <p>4 directors?</p> <p>5 A There was not suspicion on that part.</p> <p>6 Q But the question is, were they doing it</p> <p>7 with the other directors?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 You can answer.</p> <p>10 A Not that I am aware of.</p> <p>11 Q And is it policy that everyone's e-mail</p> <p>12 is monitored or just people who have -- there is</p> <p>13 supposedly a reasonable suspicion?</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 A If there is a reasonable suspicion. And</p> <p>16 the purpose of those are not to find something. It</p> <p>17 is to exonerate somebody, or disprove or prove. It</p> <p>18 is not going in with a bias. You are doing an</p> <p>19 investigation.</p> <p>20 Q Now. You said you approved it. Is that</p> <p>21 right, Dr. Yang?</p> <p>22 A I gave them the okay, yes.</p> <p>23 Q And why did you do that?</p> <p>24 A Because my senior team had raised enough</p> <p>25 concern that I thought the question should be</p>	<p style="text-align: right;">Page 185</p> <p>1 Patricia Yang</p> <p>2 (A nine-page document consisting of a</p> <p>3 U.S. District Court Civil Docket was</p> <p>4 received and marked Plaintiff's Exhibit 6</p> <p>5 for identification at this time.)</p> <p>6 MS. HAGAN: I'm going to show you what</p> <p>7 is marked as Plaintiff's Exhibit 6. That's</p> <p>8 where we are now.</p> <p>9 This is a docket. It is not Bates</p> <p>10 stamped. This is the docket for the case</p> <p>11 that was filed by Dr. Kaye.</p> <p>12 Q And I am going to draw your attention to</p> <p>13 the date -- to the first page, once you turn it</p> <p>14 over. Turn the page. On that first page, the first</p> <p>15 filing is dated December 21st, 2018. You see that,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 MS. HAGAN: Now, I'm going to show you</p> <p>19 an e-mail that's dated January 12, 2019, and</p> <p>20 it looks like there is no Bates stamp number</p> <p>21 on.</p> <p>22 (A three-page e-mail chain was received</p> <p>23 and marked Plaintiff's Exhibit 7 for</p> <p>24 identification at this time.)</p> <p>25 (Whereupon, a discussion was held off</p>

<p style="text-align: right;">Page 186</p> <p>1 Patricia Yang</p> <p>2 the record.)</p> <p>3 MS. HAGAN: This would be Exhibit 7.</p> <p>4 The e-mail on it is dated January 12, 2019.</p> <p>5 For some reason, the Bates stamp didn't</p> <p>6 actually translate, which is weird.</p> <p>7 Q Now, you see that e-mail, right,</p> <p>8 Dr. Yang?</p> <p>9 A I do.</p> <p>10 Q Dr. Yang, that e-mail is from Mr. Wangel</p> <p>11 to you; is that right?</p> <p>12 A Yes, it is.</p> <p>13 Q And the e-mail is discussing Dr. Kaye's</p> <p>14 alleged use of the e-mail outside of work; is that</p> <p>15 right?</p> <p>16 A I'm sorry. Repeat that question.</p> <p>17 Q The e-mail is discussing Dr. Kaye's</p> <p>18 alleged use --</p> <p>19 A Correct.</p> <p>20 Q -- of the e-mail in a noncompliant</p> <p>21 fashion; is that right?</p> <p>22 A Correct.</p> <p>23 Q And the date of that e-mail is January</p> <p>24 12th. Now, on the sheet that I -- on Exhibit 6 that</p> <p>25 I just gave you, I pointed out that the first entry</p>	<p style="text-align: right;">Page 188</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q Which is less than a month later; is that</p> <p>4 right?</p> <p>5 A That's correct.</p> <p>6 Q And at that point, were you aware that</p> <p>7 Dr. Kaye had filed a discrimination complaint</p> <p>8 against you?</p> <p>9 A I do not believe so.</p> <p>10 Q When did you find out that she filed a</p> <p>11 lawsuit against you?</p> <p>12 A I really don't remember.</p> <p>13 Q You are not sure?</p> <p>14 A I'm not sure.</p> <p>15 Q Who did you --</p> <p>16 A I don't remember.</p> <p>17 Q Who did you speak to first about the</p> <p>18 discrimination complaint?</p> <p>19 A It probably would have been Blanche</p> <p>20 Greenfield.</p> <p>21 Q What did Miss Greenfield tell you?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 Q To the extent that it doesn't violate</p> <p>24 attorney-client privilege.</p> <p>25 Was Miss Greenfield engaging you as an</p>
<p style="text-align: right;">Page 187</p> <p>1 Patricia Yang</p> <p>2 was filed December 21st, 2018; is that right?</p> <p>3 A Yes. I don't know what this document is,</p> <p>4 but it is a log, sort of a chronology or something.</p> <p>5 Q Right.</p> <p>6 A Okay.</p> <p>7 MS. HAGAN: Now, for purposes of</p> <p>8 clarity, Exhibit 6 is the Civil Docket for</p> <p>9 Dr. Kaye's case, and it captures the court</p> <p>10 filings, including Dr. Kaye's Complaint of</p> <p>11 Discrimination that was filed against</p> <p>12 Dr. Yang and the named defendants.</p> <p>13 And I just ask Dr. Yang to look at the</p> <p>14 first entry, which is the Complaint itself,</p> <p>15 which was filed December 21st.</p> <p>16 Q And so we just looked at Exhibit 6 that</p> <p>17 says that the Complaint was filed on December 21st,</p> <p>18 and we looked at a document, Exhibit 7, that talks</p> <p>19 about Dr. Kaye's usage -- alleged usage of the</p> <p>20 e-mail. Is that right?</p> <p>21 A I'm sorry. I was lost in the e-mail.</p> <p>22 Q The e-mail -- we just looked at an e-mail</p> <p>23 dated January 12 --</p> <p>24 A Yes.</p> <p>25 Q -- 2019.</p>	<p style="text-align: right;">Page 189</p> <p>1 Patricia Yang</p> <p>2 attorney or was she engaging you as an EEO liaison?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 Was she engaging her when?</p> <p>5 A I don't even know that we had a</p> <p>6 conversation about it. It was here -- this is here.</p> <p>7 It wasn't advice.</p> <p>8 Q So she just told you, oh, a lawsuit has</p> <p>9 been filed against you?</p> <p>10 A Yeah. It might have been an e-mail. It</p> <p>11 may have just --</p> <p>12 Q To the extent that you remember and that</p> <p>13 it doesn't constitute legal advice --</p> <p>14 I don't know how you would make a</p> <p>15 determination yourself, so I am going to stop with</p> <p>16 that question.</p> <p>17 Dr. Yang, by any chance, did you discuss</p> <p>18 the substance of the Complaint, to the extent you</p> <p>19 acknowledge that it had been filed against you, to</p> <p>20 Miss Greenfield?</p> <p>21 MS. CANFIELD: I'm going to object and</p> <p>22 just note for the record that, as of April</p> <p>23 12, 2019, that Miss Kaye had failed to serve</p> <p>24 the defendants with the litigation, which is</p> <p>25 four months after or maybe five months after</p>

<p style="text-align: right;">Page 190</p> <p>1 Patricia Yang</p> <p>2 that e-mail.</p> <p>3 So I guess I just don't understand the</p> <p>4 purpose of this questioning.</p> <p>5 MS. HAGAN: First off, it doesn't</p> <p>6 necessarily mean that she didn't have access</p> <p>7 to ECF.</p> <p>8 MS. CANFIELD: Well, why don't you ask</p> <p>9 her that?</p> <p>10 MS. HAGAN: I didn't get a chance. You</p> <p>11 are kind of coaching her and your steering</p> <p>12 is improper. It is an improper objection,</p> <p>13 and it is not permissible.</p> <p>14 Q But back to the sum and substance of</p> <p>15 this, you do acknowledge that the Complaint itself</p> <p>16 was filed on December 21st, and that the monitoring</p> <p>17 of Dr. Kaye's e-mail was on January 12th?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 A So I acknowledge that this piece of paper</p> <p>20 says --</p> <p>21 Q The Complaint was filed --</p> <p>22 A 12/21.</p> <p>23 Q Yes.</p> <p>24 A And I do acknowledge that on January 12,</p> <p>25 actually, I -- Jonathan wrote back to me in response</p>	<p style="text-align: right;">Page 192</p> <p>1 Patricia Yang</p> <p>2 A Okay.</p> <p>3 Q At this point, could you -- I am going to</p> <p>4 give you a chance to read entry number twenty-nine.</p> <p>5 (Pause in the proceedings.)</p> <p>6 A Okay.</p> <p>7 Q Now, at this point in May, it says that</p> <p>8 the Amended Complaint actually had been served. And</p> <p>9 at this time, on May 3rd, 2019, the Amended</p> <p>10 Complaint had been served. You see that, right?</p> <p>11 A Yes.</p> <p>12 MS. HAGAN: Now, I am going to direct</p> <p>13 you to what is marked as Plaintiff's</p> <p>14 Exhibit 8.</p> <p>15 (A four-page Confidential Investigatory</p> <p>16 Information Memorandum from Mr. Wangel to</p> <p>17 Dr. Yang, dated May 9, 2019, was received</p> <p>18 and marked Plaintiff's Exhibit 8 for</p> <p>19 identification at this time.)</p> <p>20 (Whereupon, a discussion was held off</p> <p>21 the record.)</p> <p>22 MS. HAGAN: For purposes of the record,</p> <p>23 Exhibit 8 is a memo, a Confidential</p> <p>24 Investigatory Information Memorandum from</p> <p>25 Mr. Wangel to Dr. Yang, and it is dated May</p>
<p style="text-align: right;">Page 191</p> <p>1 Patricia Yang</p> <p>2 to my response to him of his e-mail of January 11,</p> <p>3 transmitting to me the system's IT people's finding</p> <p>4 of her e-mailing things in violation of corporate</p> <p>5 policy.</p> <p>6 Q Okay. And you also admit that none of</p> <p>7 the other directors, their e-mails were not being</p> <p>8 monitored at that time? You admit to that, right?</p> <p>9 A I admit that there was no reason to</p> <p>10 search their e-mails.</p> <p>11 Q But you also admit that they weren't</p> <p>12 being searched at that time, right?</p> <p>13 A Yes, because there was no reason.</p> <p>14 Q Now, your counsel did point out that the</p> <p>15 actual Complaint was served in April, if you go back</p> <p>16 to Exhibit 6; is that right?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 That's not what I pointed out. I said</p> <p>19 that, as of April, it had not been served.</p> <p>20 MS. HAGAN: We will get to that.</p> <p>21 Q Exhibit 6, if you go to the filing, if</p> <p>22 you go down to -- if you go to the next page over --</p> <p>23 in fact, it is going to be May 3rd, actually. So</p> <p>24 you go to, I guess, two pages in. So you look for</p> <p>25 entry number twenty-nine.</p>	<p style="text-align: right;">Page 193</p> <p>1 Patricia Yang</p> <p>2 9, 2019.</p> <p>3 Q Now, Dr. Yang, have you seen this</p> <p>4 document before?</p> <p>5 A Yes.</p> <p>6 Q Where have you seen this document?</p> <p>7 A It is a memo, obviously, addressed to me.</p> <p>8 Q Who is Catherine Patsos?</p> <p>9 A She is the Chief Corporate Compliance</p> <p>10 Officer, as her signature indicates.</p> <p>11 Q Does she report to you?</p> <p>12 A No, she does not.</p> <p>13 Q Who does she report to?</p> <p>14 A I believe she reports to Dr. Katz.</p> <p>15 Q Directly?</p> <p>16 A I believe so.</p> <p>17 Q And do you know what precipitated this</p> <p>18 memo?</p> <p>19 A Yes.</p> <p>20 Q What happened?</p> <p>21 A In the course of supervision, as is done</p> <p>22 with all of the clinical directors, in actual</p> <p>23 written testimony, there was reference to Dr. Kaye's</p> <p>24 audio tape of one of her clients, the evaluations.</p> <p>25 Q Now, had there been a policy against</p>

<p style="text-align: right;">Page 194</p> <p>1 Patricia Yang</p> <p>2 recording clients at that time in H and H?</p> <p>3 A I don't know about H and H, but there was</p> <p>4 not at CHS, which is what Miss Patsos recommended.</p> <p>5 Q But why would there be a meeting with</p> <p>6 Dr. Kaye about recording an exam, if there had been</p> <p>7 no policy in place?</p> <p>8 A So that's not quite how it happened.</p> <p>9 Q Okay. Explain.</p> <p>10 A In the course of supervision, Dr. Jain</p> <p>11 found that in the written testimony, the transcript,</p> <p>12 there is reference to Dr. Kaye's having recorded her</p> <p>13 work with one of her clients, one of our patients.</p> <p>14 That was determined by Dr. Jain and then</p> <p>15 to Dr. Ford as highly unusual. We were concerned</p> <p>16 about it. None of the other clinical directors</p> <p>17 audio tape their evaluations and their work with</p> <p>18 clients.</p> <p>19 So again, for safety and concern, given</p> <p>20 better safe than sorry, I wanted this passed by the</p> <p>21 corporate compliant office to if see if we had</p> <p>22 breached any laws.</p> <p>23 Q Are you using the term patient and client</p> <p>24 interchangeably?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 196</p> <p>1 Patricia Yang</p> <p>2 taping the exam?</p> <p>3 A It was highly unusual. None of the other</p> <p>4 clinical directors of the court clinics audio tape</p> <p>5 their work. None of the people who are on the</p> <p>6 treatment side with their patients audio tape their</p> <p>7 work.</p> <p>8 So we wanted to make sure that no rules</p> <p>9 or laws had been broken. We determined, not that it</p> <p>10 was -- it was not -- nothing serious had been</p> <p>11 breached, but that it was advised that we make it</p> <p>12 explicit in a policy that people should not audio</p> <p>13 tape.</p> <p>14 Q I'm going to break down some of your</p> <p>15 testimony.</p> <p>16 A Yes.</p> <p>17 Q You said none of the other directors</p> <p>18 audio taped their exams right?</p> <p>19 A That was their response when they were</p> <p>20 asked.</p> <p>21 Q However, when you go to page 472 of this</p> <p>22 document, and you look at number eleven --</p> <p>23 MS. CANFIELD: 472.</p> <p>24 MS. HAGAN: D472, which is page three of</p> <p>25 four of the document. Do you have that?</p>
<p style="text-align: right;">Page 195</p> <p>1 Patricia Yang</p> <p>2 Q The people who -- the defendants, that</p> <p>3 Dr. Kaye sees --</p> <p>4 A Yes.</p> <p>5 Q -- they are not patients.</p> <p>6 A Correct.</p> <p>7 Q They are defendants; am I right?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 A Correct.</p> <p>10 Q Can you cite any policies that would</p> <p>11 prohibit her, outside of CHS or H and H, from</p> <p>12 recording these evaluations?</p> <p>13 A There is now.</p> <p>14 Q I said outside of CHS and H and H.</p> <p>15 A I don't believe -- I don't believe so, or</p> <p>16 there may be now.</p> <p>17 Q Now, it seems as if you have</p> <p>18 interchangeably used patient and client. Would it</p> <p>19 be fair to say that the defendants are neither,</p> <p>20 because the defendant is not Dr. Kaye's client</p> <p>21 either? Is that fair?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 You can answer.</p> <p>24 A Sure.</p> <p>25 Q So why would she be prohibited from</p>	<p style="text-align: right;">Page 197</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: I don't.</p> <p>3 MS. HAGAN: Page three of four, whether</p> <p>4 or not it is paginated that way, at the</p> <p>5 bottom. It should be three of four of the</p> <p>6 document.</p> <p>7 MS. CANFIELD: Yes.</p> <p>8 Q So paragraph eleven.</p> <p>9 A Correct.</p> <p>10 Q It says, "Two other forensic evaluators</p> <p>11 claim that it was well known that audio recording</p> <p>12 was prohibited during 730 competency evaluations,"</p> <p>13 and the two doctors named are Dr. Mundy and</p> <p>14 Dr. Owens. You see that, right?</p> <p>15 A Yes.</p> <p>16 Q Now, you say "the other directors," but</p> <p>17 why aren't the other directors listed? Why is it</p> <p>18 just Dr. Mundy and Dr. Owens?</p> <p>19 A I don't know why Miss Patsos didn't</p> <p>20 include Mr. Winkler, Dr. Winkler. I don't know.</p> <p>21 Q Could you say for a fact that Dr. Winkler</p> <p>22 would testify or -- you said all of the directors?</p> <p>23 A That was my understanding.</p> <p>24 Q Would you say that Dr. Winkler would say</p> <p>25 the same thing?</p>

<p style="text-align: right;">Page 198</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A I am not going to assume what he is going</p> <p>4 to say.</p> <p>5 Q For whatever reason, he is not here on</p> <p>6 this report?</p> <p>7 A That's correct.</p> <p>8 Q Okay. So then --</p> <p>9 A I would have hoped that Miss Patsos would</p> <p>10 have noted if Dr. Winkler had said that he did.</p> <p>11 Q Well, she didn't.</p> <p>12 A That's correct.</p> <p>13 Q So you can't say for a fact that all of</p> <p>14 the other directors don't do it; is that fair?</p> <p>15 A That's fair.</p> <p>16 Q So then I am going to go to the OCC</p> <p>17 findings, which is on the previous page.</p> <p>18 Now, I want to direct your attention to</p> <p>19 number five and then number six. You can look at</p> <p>20 five through nine, because I won't continue to just</p> <p>21 kind of itemize, so look at five through nine.</p> <p>22 (Pause in the proceedings.)</p> <p>23 Q Have you had an opportunity to look at</p> <p>24 this?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 200</p> <p>1 Patricia Yang</p> <p>2 Committee, it says the psychiatrist should ethically</p> <p>3 inform and allow a patient to refuse to have the</p> <p>4 session recorded, but it doesn't prohibit them from</p> <p>5 it; is that right?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A It doesn't prohibit --</p> <p>8 Q It doesn't prohibit the psychiatrist from</p> <p>9 recording them?</p> <p>10 A Correct.</p> <p>11 Q So even with all of these different</p> <p>12 sources not outright prohibiting the psychiatrist or</p> <p>13 the psychologists performing these exams from</p> <p>14 recording, it is still your testimony that they</p> <p>15 should be prohibited from doing so?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 A Yes. That is the Correctional Health</p> <p>19 Services policy.</p> <p>20 Q Why?</p> <p>21 A It is highly unusual. It feels invasive.</p> <p>22 Q How do you know it is unusual? You have</p> <p>23 only -- you only referenced two doctors, Dr. Mundy</p> <p>24 and Dr. Owens. What other forensic psychiatrists or</p> <p>25 psychologists do you know that don't record?</p>
<p style="text-align: right;">Page 199</p> <p>1 Patricia Yang</p> <p>2 Q So five says that the operating</p> <p>3 procedures -- that H and H does not have operating</p> <p>4 procedures that prohibit audio recording. You saw</p> <p>5 that, right?</p> <p>6 A Yes.</p> <p>7 Q And CHS doesn't have that policy either;</p> <p>8 is that correct?</p> <p>9 A That's correct. It did not.</p> <p>10 Q And New York State permits only one -- it</p> <p>11 is a one-party recording state. You saw that,</p> <p>12 right?</p> <p>13 A It was a fascinating fact to me.</p> <p>14 Q But it still continues to be, right?</p> <p>15 A Right.</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 Q And then the American Academy of Forensic</p> <p>18 Psychiatry and Law Task Force revised document,</p> <p>19 again corroborates that it is not an issue to</p> <p>20 record; is that right?</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 You can answer.</p> <p>23 A That's what it says.</p> <p>24 Q Then, again, you have it again, the</p> <p>25 American Psychiatric Association Opinions of Ethics</p>	<p style="text-align: right;">Page 201</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 You can answer.</p> <p>4 A Dr. Ford, other people, other</p> <p>5 psychiatrists who we have on staff as treatment</p> <p>6 psychiatrists.</p> <p>7 Q Do you know of any other forensic</p> <p>8 psychiatrists, besides Dr. Mundy and Dr. Owens, that</p> <p>9 have performed forensic exams outside of H and H,</p> <p>10 that don't record?</p> <p>11 A No, but I don't -- I don't know what is</p> <p>12 happening outside of H and H.</p> <p>13 Q So you don't know what the standard</p> <p>14 practice is for forensic psychiatrists. H and H is</p> <p>15 not the only place that employs forensic</p> <p>16 psychiatrists; is that right?</p> <p>17 A That's correct.</p> <p>18 Q And how would you know what the standard</p> <p>19 of profession is then outside of H and H?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A From Dr. Ford and Dr. Jain.</p> <p>22 Q Okay. But you didn't do any additional</p> <p>23 research yourself?</p> <p>24 A The Corporate Compliance Officer</p> <p>25 basically did that for us.</p>

<p style="text-align: right;">Page 202</p> <p>1 Patricia Yang</p> <p>2 Q But I am asking you. Did you do any</p> <p>3 research yourself?</p> <p>4 A I would never pretend to have greater</p> <p>5 expertise in corporate compliance than the Corporate</p> <p>6 Compliance Officer.</p> <p>7 Q But you insisted on having this policy</p> <p>8 after this, right?</p> <p>9 A It was actually the --</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 A It was actually the Corporate Compliance</p> <p>12 Officer's recommendation.</p> <p>13 Q Did you want to have this policy in</p> <p>14 place?</p> <p>15 A Based on the recommendation of my</p> <p>16 clinical staff and team leadership, yes.</p> <p>17 Q Prior to the Corporate Compliance Officer</p> <p>18 writing this report, did you want a policy in place</p> <p>19 that prohibited the recording of the forensic exams?</p> <p>20 A No, because I wasn't aware that was even</p> <p>21 being done.</p> <p>22 Q When it came to your attention before</p> <p>23 this report was actually being generated, did you</p> <p>24 think there should be a policy that prohibited the</p> <p>25 recording of exams?</p>	<p style="text-align: right;">Page 204</p> <p>1 Patricia Yang</p> <p>2 Compliance Officer's report or is it your own</p> <p>3 belief?</p> <p>4 A I frankly think that I would like to</p> <p>5 know, and I would owe somebody else that courtesy,</p> <p>6 to let them know that they were taping, or I was</p> <p>7 taping them.</p> <p>8 Q Now, Dr. Kaye believes that you had this</p> <p>9 investigation -- I guess orchestrated this</p> <p>10 investigation with Dr. Patsos and Mr. Wangel because</p> <p>11 she filed a lawsuit against you.</p> <p>12 MS. CANFIELD: Is that a question?</p> <p>13 MS. HAGAN: Yes.</p> <p>14 Q I am asking you, is that true?</p> <p>15 A That's absolutely not true.</p> <p>16 Q When you found out that Dr. Kaye filed</p> <p>17 this lawsuit against you, what was your reaction?</p> <p>18 A Another lawsuit.</p> <p>19 Q You didn't feel compelled to do any</p> <p>20 investigation to find out if any of the allegations</p> <p>21 were true? Did you read it?</p> <p>22 A I read the Amended --</p> <p>23 Q The Amended Complaint?</p> <p>24 A The first thing you gave me.</p> <p>25 Q The first exhibit?</p>
<p style="text-align: right;">Page 203</p> <p>1 Patricia Yang</p> <p>2 A I naively thought nobody was doing that</p> <p>3 with their patients or their defendants or their</p> <p>4 clients. I mean the defendant is a defendant, but,</p> <p>5 basically, it is a client of ours who is being</p> <p>6 evaluated.</p> <p>7 Q But you keep using these terms</p> <p>8 interchangeably.</p> <p>9 A What would you like me to use?</p> <p>10 Q I am just asking you, because you are</p> <p>11 saying there is a patient, there is a client, there</p> <p>12 is a defendant. Clearly, they are different roles.</p> <p>13 A client and a patient kind of connote treatment.</p> <p>14 A I don't think so. A patient is</p> <p>15 definitely treatment and that does not apply to the</p> <p>16 court clinics. In the court clinics, they are</p> <p>17 defendants, but I call them clients.</p> <p>18 Q Why do you call them clients?</p> <p>19 A Because I am not going to take a side</p> <p>20 whether they are a plaintiff or defendant. They are</p> <p>21 a client being evaluated for competency by my staff.</p> <p>22 Q So you believe they should not be</p> <p>23 subjected to being recorded? That's your belief?</p> <p>24 A Certainly without consent or knowledge.</p> <p>25 Q And this is based solely on the Corporate</p>	<p style="text-align: right;">Page 205</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q Did you ask -- well, you know, it is</p> <p>4 thirty-two pages of stuff here, allegations</p> <p>5 involving me and other people. Did you look into</p> <p>6 whether it was true or not?</p> <p>7 A I had sufficient familiarity over the</p> <p>8 course of time that the clinics reported to us, as</p> <p>9 did, I think, the other people who are named, and</p> <p>10 Dr. Kaye's concerns to have her own opinions as to</p> <p>11 the charges.</p> <p>12 Q And what was your opinion at that point?</p> <p>13 A I did not believe it had merit.</p> <p>14 Q Any of them? Not against you or anyone</p> <p>15 else?</p> <p>16 A I am not going to say about all of them.</p> <p>17 Q Okay. Some of them, did they have merit?</p> <p>18 A I don't believe so.</p> <p>19 Q So you are saying all of them. None of</p> <p>20 them had merit? That's what you are saying, right?</p> <p>21 A I don't know how to answer this.</p> <p>22 Q Well, you either believe Dr. Kaye on some</p> <p>23 level or you don't.</p> <p>24 A I believe that she believed her</p> <p>25 allegations were still valid and unresolved.</p>

<p style="text-align: right;">Page 206</p> <p>1 Patricia Yang</p> <p>2 Q At any point, did you ask whether or not</p> <p>3 Dr. Kaye could work different hours to accommodate</p> <p>4 her children?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A The question was asked, and again, it</p> <p>8 is -- her desire to remain a unionized employee in</p> <p>9 an Attending Physician is guided by the collective</p> <p>10 bargaining contract, which requires a hour lunch,</p> <p>11 and then her work, which amounts to a forty-five-day</p> <p>12 hour -- a forty-five-hour day --</p> <p>13 Q Forty-five-hour week?</p> <p>14 A Forty-five-hour week.</p> <p>15 Q But Dr. Kaye disputes that she wanted to</p> <p>16 remain an Attending Physician. She disagrees with</p> <p>17 you. She want to be a Physician Specialist. Are</p> <p>18 you aware of that?</p> <p>19 A I am not aware that she wanted to move to</p> <p>20 a management position.</p> <p>21 Q That's not what I said. You don't know</p> <p>22 whether or not the Physician Specialist title is</p> <p>23 management or not.</p> <p>24 A Correct.</p> <p>25 Q Dr. Kaye wanted to be a Physician</p>	<p style="text-align: right;">Page 208</p> <p>1 Patricia Yang</p> <p>2 Exhibit 1.</p> <p>3 (Whereupon, a discussion was held off</p> <p>4 the record.)</p> <p>5 Q Now, please look at page 424, paragraph</p> <p>6 thirty-six. For purposes of clarity, paragraph</p> <p>7 thirty-six discusses the Physician Specialist title,</p> <p>8 and also paragraph thirty-five. Paragraphs thirty-</p> <p>9 four through thirty-six address what we were just</p> <p>10 talking about.</p> <p>11 Now, at some point, you said that</p> <p>12 Dr. Kaye didn't want to be a Physician Specialist;</p> <p>13 is that right?</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 A What I said was that I had been advised</p> <p>16 that Dr. Kaye did not want to be in a managerial</p> <p>17 position.</p> <p>18 Q And you don't know if the Physician</p> <p>19 Specialist title is a managerial title.</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A I will repeat again that I do not keep</p> <p>22 track of every tile, as to whether it is unionized</p> <p>23 or not unionized. I direct my staff, this should be</p> <p>24 a union position or a management position. They</p> <p>25 find the appropriate titles.</p>
<p style="text-align: right;">Page 207</p> <p>1 Patricia Yang</p> <p>2 Specialist because there was a larger salary range.</p> <p>3 You don't know whether or not the Physician</p> <p>4 Specialist line was management or not, right?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A I don't know the payroll title, if a</p> <p>8 Physician Specialist. I do know that there are</p> <p>9 managers, and as managers, it is not governed by the</p> <p>10 same salary structure as a unionized position.</p> <p>11 Q But you don't know if the Physician</p> <p>12 Specialist title is unionized or not?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A Along with thousands of our titles, I</p> <p>15 can't tell. I need to look up whether it is group</p> <p>16 eleven or group twelve.</p> <p>17 Q And you don't know if Dr. Kaye wanted to</p> <p>18 be a Physician Specialist or not, do you?</p> <p>19 A My understanding is Dr. Kaye did not want</p> <p>20 to be a manager.</p> <p>21 Q But you don't know if Dr. Kaye wanted to</p> <p>22 be a Physician Specialist?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 Asked and answered.</p> <p>25 Q I'm going to draw your attention to</p>	<p style="text-align: right;">Page 209</p> <p>1 Patricia Yang</p> <p>2 Q But, again, you can't say for certain</p> <p>3 today that the Physician Specialist title is a</p> <p>4 management title?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 Q Am I right?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 Q Yes or no?</p> <p>9 A Again, yes. I know it is really</p> <p>10 frustrating for you that I don't know.</p> <p>11 Q Yes, you cannot say that, right?</p> <p>12 MS. CANFIELD: Cannot say what?</p> <p>13 Q You cannot say that it is a managerial</p> <p>14 title; is that right?</p> <p>15 A I do not know whether a Physician</p> <p>16 Specialist title, that payroll title, is a group</p> <p>17 eleven or group twelve title. I would look it up.</p> <p>18 If you would like me to look it up, I can --</p> <p>19 Q No, no, no. You don't know today?</p> <p>20 A -- and then I can answer.</p> <p>21 Q No.</p> <p>22 Now, I wanted to ask you about the amount</p> <p>23 of pay differential. Were you aware --</p> <p>24 MS. HAGAN: Let's scratch that. Go down</p> <p>25 to paragraph forty-two.</p>

<p style="text-align: right;">Page 210</p> <p>1 Patricia Yang</p> <p>2 Q Earlier, I asked if you made any</p> <p>3 reference to, you know, an elephantine comment made</p> <p>4 by Ford and you said you didn't -- you said no,</p> <p>5 right?</p> <p>6 A I thought you had asked if I used the</p> <p>7 phrase elephantine.</p> <p>8 Q Yes, I did. You are right. Did you ever</p> <p>9 use that term?</p> <p>10 A I don't recall. I still don't recall.</p> <p>11 Q It is not a common term. I would figure,</p> <p>12 you know, whether or not it was part of your</p> <p>13 vocabulary, you would know. You don't hear people</p> <p>14 referring to or using the word elephantine or</p> <p>15 elephantine. Is that accurate?</p> <p>16 A I majored in semiotics. It is all about</p> <p>17 communication and language and linguistics, so I am</p> <p>18 not going to judge whether people refer to elephants</p> <p>19 or whether something is elephantine or not.</p> <p>20 Q Have you ever heard or did you know of</p> <p>21 Dr. Ford to reference or make the statement that,</p> <p>22 when Dr. Kaye initially complained about disparate</p> <p>23 pay, that it was like getting anything done around</p> <p>24 here is like moving elephants?</p> <p>25 A Not directly, except for here.</p>	<p style="text-align: right;">Page 212</p> <p>1 Patricia Yang</p> <p>2 the record.)</p> <p>3 Q Have you gotten a chance to review the</p> <p>4 e-mail or do you remember the e-mail?</p> <p>5 A Which one?</p> <p>6 Q Here (indicating). Go from the</p> <p>7 beginning, which is in the back.</p> <p>8 MS. HAGAN: For the purposes of the</p> <p>9 record, we have Exhibit 9, and it is from</p> <p>10 Patrick Alberts to Dr. Yang, and it is Bates</p> <p>11 stamped NYC 77 through NYC 79.</p> <p>12 Q Now, what I want to bring your attention</p> <p>13 to, if you have gotten a chance to look at the</p> <p>14 entire document, on NYC 77, first off, there is</p> <p>15 language from you saying, "No wonder I am losing</p> <p>16 sleep." Do you remember saying something like?</p> <p>17 A I say that a lot.</p> <p>18 Q Okay. And you are saying this in regard</p> <p>19 to Judge Torres's wanting to hold us -- I'm not sure</p> <p>20 who us -- I guess H and H or CHS in contempt, right?</p> <p>21 A The City.</p> <p>22 Q The City, right?</p> <p>23 A Yes.</p> <p>24 Q And do you remember any of anything</p> <p>25 surrounding this incident?</p>
<p style="text-align: right;">Page 211</p> <p>1 Patricia Yang</p> <p>2 Q You have never heard Dr. Ford say that?</p> <p>3 Did Dr. Ford ever admit to you that she said that?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 You can answer.</p> <p>6 A Not that I recall.</p> <p>7 Q Did Dr. Ford ever complain to you about</p> <p>8 Dr. Kaye?</p> <p>9 A No. I would not say complain.</p> <p>10 Q Did she ever say that Dr. Kaye has been a</p> <p>11 problem for a long time?</p> <p>12 A I don't recall those words.</p> <p>13 Q Okay. Did Dr. Ford ever complain about</p> <p>14 Dr. Kaye's performance to you?</p> <p>15 A No, not that I can recall.</p> <p>16 Q I am going to show you what is marked as</p> <p>17 Plaintiff's Exhibit -- I guess we are up to</p> <p>18 Exhibit 8 now.</p> <p>19 MS. CANFIELD: Nine.</p> <p>20 MS. HAGAN: 9. Thank you.</p> <p>21 (A three-page e-mail chain, Bates</p> <p>22 stamped NYC 000077 through NYC 000079, was</p> <p>23 received and marked Plaintiff's Exhibit 9</p> <p>24 for identification at this time.)</p> <p>25 (Whereupon, a discussion was held off</p>	<p style="text-align: right;">Page 213</p> <p>1 Patricia Yang</p> <p>2 A Vague. And it was more than just one</p> <p>3 incident. It was an issue.</p> <p>4 Q What was the issue?</p> <p>5 A It was an issue that somehow came that</p> <p>6 the Bronx court wanted full unredacted records,</p> <p>7 including substance use information, and that</p> <p>8 everybody needed to focus on how to do that, because</p> <p>9 there did not seem to be a legal way to provide</p> <p>10 that.</p> <p>11 Q And you disagreed with that; am I right?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 You can answer.</p> <p>14 A I don't understand the question.</p> <p>15 Q You felt that it wasn't necessary for the</p> <p>16 Bronx to have unredacted records; is that right?</p> <p>17 MS. CANFIELD: Objection to form.</p> <p>18 A What I was advised was that the Bronx was</p> <p>19 the only place where that was happening and that</p> <p>20 there was not a legal way to do that, to provide</p> <p>21 that, and it was a concern, therefore, that the</p> <p>22 judge was threatening to hold the City in contempt,</p> <p>23 and it was a conundrum. We had to figure something</p> <p>24 out.</p> <p>25 Q Who was working in the Bronx at that</p>

<p style="text-align: right;">Page 214</p> <p>1 Patricia Yang</p> <p>2 time? It was Dr. Kaye and who else?</p> <p>3 A Dr. Kaye and her staff.</p> <p>4 Q Do you remember who her staff was in the</p> <p>5 Bronx?</p> <p>6 A I do not.</p> <p>7 Q The only person you know for certain that</p> <p>8 worked there was Dr. Kaye; is that right?</p> <p>9 A Correct.</p> <p>10 Q And it is your testimony that Dr. Kaye</p> <p>11 was the only person who wanted to have these</p> <p>12 unredacted records; is that right?</p> <p>13 A That wasn't --</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 You can answer.</p> <p>16 A That wasn't how it started.</p> <p>17 Q How did that start?</p> <p>18 A This started -- there was a problem in</p> <p>19 the Bronx court that the judge wanted full</p> <p>20 unredacted records, including information that was</p> <p>21 protected by law and can't be provided.</p> <p>22 Q What law was protecting the unredacted</p> <p>23 medical records?</p> <p>24 A State and federal laws around substance</p> <p>25 use and mental health -- substance use issues.</p>	<p style="text-align: right;">Page 216</p> <p>1 Patricia Yang</p> <p>2 Q So what happened to Dr. Ford? Wasn't she</p> <p>3 also overseeing this stuff?</p> <p>4 A Yes, but she had more than a full plate</p> <p>5 already. She was running the entire jail mental</p> <p>6 health service.</p> <p>7 Q So it is your testimony that Dr. Ford</p> <p>8 needed additional support?</p> <p>9 A Absolutely.</p> <p>10 Q Is that right?</p> <p>11 A It was part of the proposal to take -- to</p> <p>12 centralize management in support of the four court</p> <p>13 clinics.</p> <p>14 Q Did Dr. Jain actually provide the</p> <p>15 supervision that you were looking for at that time?</p> <p>16 A Yes.</p> <p>17 Q And to your knowledge, he continued to</p> <p>18 provide that, right?</p> <p>19 A Right.</p> <p>20 Q Okay. Well, I am going to show you what</p> <p>21 has been marked as --</p> <p>22 MS. HAGAN: Do you want to take a break</p> <p>23 for a second?</p> <p>24 MS. CANFIELD: Yes.</p> <p>25 (Whereupon, a short recess was taken at</p>
<p style="text-align: right;">Page 215</p> <p>1 Patricia Yang</p> <p>2 Q Which law is that?</p> <p>3 A I don't know. I would have to turn to my</p> <p>4 attorneys.</p> <p>5 Q And who are you conferring with on the</p> <p>6 legal side on this?</p> <p>7 A Patrick Alberts did work for us. He is a</p> <p>8 lawyer. He was checking with OLA, and Aaron, who</p> <p>9 was the legal person at MOCJ.</p> <p>10 Q You say on the next page, "Need your</p> <p>11 FPECC uber clinician on board."</p> <p>12 A Yes.</p> <p>13 Q Who was that that you are referencing?</p> <p>14 A I think that was probably Dr. Jain.</p> <p>15 Q So you all were in the works for hiring</p> <p>16 somebody --</p> <p>17 A Correct.</p> <p>18 Q -- to provide oversight?</p> <p>19 A Correct.</p> <p>20 MS. CANFIELD: Make sure she finishes</p> <p>21 the question before you respond.</p> <p>22 THE WITNESS: Thank you.</p> <p>23 Q Wasn't Dr. Ford already there at that</p> <p>24 time?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 217</p> <p>1 Patricia Yang</p> <p>2 this time.)</p> <p>3 (A three-page e-mail chain, which should</p> <p>4 be Bates stamped NYC 205 through NYC 207,</p> <p>5 was received and marked Plaintiff's Exhibit</p> <p>6 10 for identification at this time.)</p> <p>7 (Whereupon, a discussion was held off</p> <p>8 the record.)</p> <p>9 MS. HAGAN: I'm going to show you what</p> <p>10 is marked Plaintiff's Exhibit 10, and when</p> <p>11 you get a chance to look through the</p> <p>12 document, just let me know when you are</p> <p>13 finished. Okay, Dr. Yang?</p> <p>14 THE WITNESS: Yes.</p> <p>15 MS. CANFIELD: Can I ask a question?</p> <p>16 There are no Bates stamps on this.</p> <p>17 MS. HAGAN: I'm not sure what is going</p> <p>18 on with printing at this printer, because</p> <p>19 this is actually your document, but for</p> <p>20 whatever reason, the Bates stamps are not on</p> <p>21 it. It should be 205 through 206, but I'm</p> <p>22 not sure.</p> <p>23 MS. CANFIELD: Did you produce these?</p> <p>24 MS. HAGAN: You produced them.</p> <p>25 MS. CANFIELD: I'm sorry. What is the</p>

55 (Pages 214 - 217)

<p style="text-align: right;">Page 218</p> <p>1 Patricia Yang</p> <p>2 orange.</p> <p>3 MS. HAGAN: I actually highlighted it.</p> <p>4 MS. CANFIELD: Okay.</p> <p>5 MS. HAGAN: So it is not necessarily how</p> <p>6 the document came. I highlighted it as I</p> <p>7 was reading it.</p> <p>8 MS. CANFIELD: Okay.</p> <p>9 MS. HAGAN: But for purposes of clarity,</p> <p>10 and for the record, it is NYC 205 through</p> <p>11 NYC 207.</p> <p>12 MS. CANFIELD: Is there a heading on the</p> <p>13 top of the first page?</p> <p>14 MS. HAGAN: It would be -- the subject</p> <p>15 would be "Pay Equity For Court Clinic</p> <p>16 Medical Directors." That would be the only</p> <p>17 place -- I didn't print out the prior page,</p> <p>18 so it is 205 through 207, and the subject is</p> <p>19 "Pay Equity For Court Clinic Medical</p> <p>20 Directors."</p> <p>21 MS. CANFIELD: So this is not the</p> <p>22 complete e-mail thread then?</p> <p>23 MS. HAGAN: No.</p> <p>24 MS. CANFIELD: Okay.</p> <p>25 (Whereupon, a discussion was held off</p>	<p style="text-align: right;">Page 220</p> <p>1 Patricia Yang</p> <p>2 A Not really, but --</p> <p>3 Q You did write this; is that right?</p> <p>4 A This is my e-mail.</p> <p>5 Q Right.</p> <p>6 A I don't have a recollection what of the</p> <p>7 elephantine quote would be.</p> <p>8 Q Now, I am going help you out that with</p> <p>9 that.</p> <p>10 A Great. I hope so.</p> <p>11 MS. HAGAN: I think I printed out the</p> <p>12 right thing. No, I did not. Oh, joy.</p> <p>13 Q At any point, did Dr. Ford admit to</p> <p>14 making the statement that getting things to move</p> <p>15 around here is like herding elephants.</p> <p>16 A I guess she did in this e-mail.</p> <p>17 Q Right. Now, you have an exchange with</p> <p>18 Mr. Wangel, and Mr. Wangel -- and we are in Exhibit</p> <p>19 10 still -- says that this is EEO and strongly</p> <p>20 suggests Blanche be looped in. You see that, right?</p> <p>21 A Yes.</p> <p>22 Q What did Mr. Wangel mean by that?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Can I go back to the other one, which</p>
<p style="text-align: right;">Page 219</p> <p>1 Patricia Yang</p> <p>2 the record.)</p> <p>3 MS. HAGAN: When you have had a chance</p> <p>4 to look at the entire document, Dr. Yang,</p> <p>5 could you please let me know, please?</p> <p>6 THE WITNESS: Yes.</p> <p>7 (Pause in the proceedings.)</p> <p>8 Q So I want to draw your attention --</p> <p>9 obviously, I highlighted some of this, right?</p> <p>10 A Yes.</p> <p>11 Q So I want to draw your attention, I</p> <p>12 guess, to the e-mail on the first page sent by you</p> <p>13 to Sara Gillen. Who is that?</p> <p>14 A Sara was the Chief Operations Officer at</p> <p>15 the time.</p> <p>16 Q Right. And in this instance, you</p> <p>17 reference -- you say, "In the meantime (and we</p> <p>18 should brain storm for July, but not the entire</p> <p>19 FPECC crew), I intend to send her this reply below</p> <p>20 and separately sanitize her e-mail and send to Bill</p> <p>21 and copy her, removing editorials and elephantine</p> <p>22 quotes."</p> <p>23 A There you go.</p> <p>24 Q Right. So does that refresh your</p> <p>25 recollection in seeing that?</p>	<p style="text-align: right;">Page 221</p> <p>1 Patricia Yang</p> <p>2 is -- I don't recall Dr. Ford ever telling me that</p> <p>3 moving things at Bellevue was like moving elephants.</p> <p>4 I only know that it is in here, Dr. Kaye's e-mail,</p> <p>5 and I wanted to remove the elephantine quote, which</p> <p>6 was insulting to Bellevue. That's what it was.</p> <p>7 Q What was the elephantine -- you wanted to</p> <p>8 remove that part?</p> <p>9 A Yes.</p> <p>10 Q But you are not sure what it was or if it</p> <p>11 was made or how it was made?</p> <p>12 A I am believing that it was -- I was going</p> <p>13 to forward Dr. Kaye's concern to Mr. Hicks, since</p> <p>14 these were all concerns about how she was treated at</p> <p>15 Bellevue, but I was going to remove the quotes</p> <p>16 that -- the sort of more editorial quote that, you</p> <p>17 know, that moving things at Bellevue was like moving</p> <p>18 elephants. It didn't seem relevant to the issue</p> <p>19 that I was asking Mr. Hicks to look into.</p> <p>20 Q And it is your testimony that Dr. Ford</p> <p>21 never made that statement?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 Q That you know of?</p> <p>24 A Not directly. Correct.</p> <p>25 Q Right.</p>

<p style="text-align: right;">Page 222</p> <p>1 Patricia Yang</p> <p>2 Now, I was asking you what Mr. Wangel</p> <p>3 meant when he says that this is EEO and he strongly</p> <p>4 suggests that Blanche be looped in. What did he</p> <p>5 mean by that?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 If you know.</p> <p>8 Q To your knowledge.</p> <p>9 A To my knowledge, it is that, as in all</p> <p>10 serious things, as stated earlier, I bring Miss</p> <p>11 Greenfield into matters for her awareness.</p> <p>12 Q Right. But you are saying he is not just</p> <p>13 saying -- all serious things, but just EEO</p> <p>14 specifically? Is that right? He is saying this is</p> <p>15 EEO.</p> <p>16 A Yes.</p> <p>17 Q Right. So could it be fair to say that</p> <p>18 Blanche, quote, unquote, is synonymous with EEO in</p> <p>19 this instance?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A No. I believe at this point in time we</p> <p>22 brought Blanche in, Miss Greenfield in, because it</p> <p>23 was a matter that was EEO related at Bellevue.</p> <p>24 Q Okay.</p> <p>25 A It was not our EEO issue. It was</p>	<p style="text-align: right;">Page 224</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A It is a fact.</p> <p>4 Q But you had the power to address her</p> <p>5 issue. You just chose not to; am I right?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A I did not have the power to address her</p> <p>8 issue.</p> <p>9 Q You had the power not to address it</p> <p>10 apparently, according to this e-mail.</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 Q Is that right?</p> <p>13 A That's correct. I didn't have to send</p> <p>14 the e-mail, I didn't have to let Blanche know, and I</p> <p>15 didn't have to let Mr. Hicks know.</p> <p>16 Q You also had the power not to actually</p> <p>17 compensate her or address the disparity in pay,</p> <p>18 correct?</p> <p>19 A That's incorrect.</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 Q Okay. You testified earlier that you</p> <p>22 postponed transferring the court clinic or at least</p> <p>23 absorbing the Bronx court clinic because of Dr. Kaye</p> <p>24 and her retention and longevity pay issues, right?</p> <p>25 A That's correct.</p>
<p style="text-align: right;">Page 223</p> <p>1 Patricia Yang</p> <p>2 Bellevue's EEO issue.</p> <p>3 MS. HAGAN: I am going to see if I can</p> <p>4 print this out. I'm sorry. I hope it</p> <p>5 shouldn't be too long.</p> <p>6 (Whereupon, a short recess was taken at</p> <p>7 this time.)</p> <p>8 Q Further up in the e-mail, you have --</p> <p>9 well, the first part that is highlighted, you say,</p> <p>10 "I can do that, but then I am dumping BHC into the</p> <p>11 soup."</p> <p>12 What is BHC?</p> <p>13 A Bellevue Hospital Center.</p> <p>14 Q And then you say, "I don't know and I</p> <p>15 don't know what to know what they did to address her</p> <p>16 EEOC issues." Do you see that?</p> <p>17 A I do.</p> <p>18 Q Why do you say that?</p> <p>19 A Because it is not my issue.</p> <p>20 Q She is still your employee.</p> <p>21 A No, she was not my employee.</p> <p>22 Q Not yet?</p> <p>23 A She was Bellevue's employee.</p> <p>24 Q That's what you are maintaining at this</p> <p>25 point?</p>	<p style="text-align: right;">Page 225</p> <p>1 Patricia Yang</p> <p>2 Q You made that determination that you</p> <p>3 weren't going to absorb it, right?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A Absorb what?</p> <p>6 Q Absorb the Bronx court clinic.</p> <p>7 A I was postponing the transfer of the</p> <p>8 Bronx court clinic to me so she could stay on</p> <p>9 Bellevue's payroll through June 30th, so she could</p> <p>10 get her retention bonus.</p> <p>11 Q You made that decision. That's the</p> <p>12 point.</p> <p>13 A That's correct, on her behalf.</p> <p>14 Q You are also saying you are making the</p> <p>15 decision on her behalf not to address her EEOC</p> <p>16 complaint too, right?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A That's not true.</p> <p>19 Q All of the other clinics are being</p> <p>20 absorbed, right? Brooklyn, Queens, Manhattan</p> <p>21 clinics were all absorbed. They were all</p> <p>22 transferred, right?</p> <p>23 A And so was the Bronx, but at different</p> <p>24 times.</p> <p>25 Q But at this time in May of 2018, was the</p>

<p style="text-align: right;">Page 226</p> <p>1 Patricia Yang</p> <p>2 Bronx the only clinic that was not under the CHS</p> <p>3 umbrella?</p> <p>4 A No.</p> <p>5 Q What was the other clinic?</p> <p>6 A Manhattan.</p> <p>7 Q Manhattan. When did Manhattan get</p> <p>8 transferred?</p> <p>9 A July 1st, along with -- they were the two</p> <p>10 Bellevue clinics.</p> <p>11 Q So what was the reason for delaying both</p> <p>12 of the Bellevue clinics?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A So as an accommodation to Dr. Kaye so she</p> <p>15 could get her bonus.</p> <p>16 Q Just for Dr. Kaye?</p> <p>17 A Correct.</p> <p>18 Q But why not absorb the Manhattan clinic?</p> <p>19 I mean, was it Dr. Mundy who was in the Manhattan</p> <p>20 clinic?</p> <p>21 A I don't know that he was in that position</p> <p>22 already at that time. Probably -- maybe. Yes.</p> <p>23 Actually, he had moved. He had foregone his</p> <p>24 retention bonus to take the management position at</p> <p>25 Manhattan.</p>	<p style="text-align: right;">Page 228</p> <p>1 Patricia Yang</p> <p>2 A In one fell swoop.</p> <p>3 Q Okay. So you would rather -- you put off</p> <p>4 taking the Manhattan clinic to accommodate Dr. Kaye</p> <p>5 and only Dr. Kaye?</p> <p>6 A I postponed taking the clinics from</p> <p>7 Bellevue so that Dr. Kaye could get her retention</p> <p>8 bonus.</p> <p>9 Q It is your testimony that Dr. Mundy</p> <p>10 didn't get a retention bonus or a longevity</p> <p>11 increase?</p> <p>12 A I don't know about the longevity, and I</p> <p>13 don't know about longevity for either, but it is my</p> <p>14 recollection that Dr. Mundy gave up his retention</p> <p>15 bonus by taking the management job.</p> <p>16 Q Did he give up his longevity?</p> <p>17 A I don't know.</p> <p>18 Q And are you saying that he gave up his</p> <p>19 retention?</p> <p>20 A That is my recollection.</p> <p>21 Q Is there anything in writing to that</p> <p>22 effect?</p> <p>23 A I'm sure there is.</p> <p>24 Q Who would know that he gave up his</p> <p>25 retention?</p>
<p style="text-align: right;">Page 227</p> <p>1 Patricia Yang</p> <p>2 Q So you are saying that you did this for</p> <p>3 Dr. Kaye, but you still didn't absorb the Manhattan</p> <p>4 clinic. Why is that?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 A I don't understand your question.</p> <p>7 Q You said that you did not absorb both the</p> <p>8 Manhattan and the Bronx clinics because Dr. Kaye</p> <p>9 wanted to have the retention bonus.</p> <p>10 A That's correct.</p> <p>11 Q But if Dr. Mundy decided not to go with</p> <p>12 his retention and longevity bonus -- right? You are</p> <p>13 saying he didn't?</p> <p>14 A Correct.</p> <p>15 Q You said he decided to obtain the</p> <p>16 managerial title, correct?</p> <p>17 A Correct.</p> <p>18 Q Then if that was indeed the case, why</p> <p>19 didn't you take the Manhattan clinic at that time,</p> <p>20 too?</p> <p>21 A Because they were both Bellevue clinics</p> <p>22 and to disrupt and separate a Bellevue operation</p> <p>23 twice didn't make sense.</p> <p>24 Q Well, but you did do that.</p> <p>25 MS. CANFIELD: Objection.</p>	<p style="text-align: right;">Page 229</p> <p>1 Patricia Yang</p> <p>2 A My HR staff.</p> <p>3 Q So only people who stayed in their title</p> <p>4 would get the retention; is that your testimony?</p> <p>5 A I'm not familiar --</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 THE WITNESS: Thank you.</p> <p>8 A I'm not familiar with the Bellevue</p> <p>9 contract that gave us permission, but my</p> <p>10 recollection is that it was specific to certain</p> <p>11 hospitals in the system, certain services. I think</p> <p>12 it may have been psychiatry only. It may have been</p> <p>13 others. But the requirement to get the retention</p> <p>14 bonus is you had to be on that payroll through the</p> <p>15 entire fiscal year.</p> <p>16 Q So I want to draw your attention back to</p> <p>17 Exhibit 1, which is the Amended Complaint, the First</p> <p>18 Amended Complaint. I think everyone has it.</p> <p>19 Now, we talked with the shift change</p> <p>20 earlier. Now, were all of the directors at all of</p> <p>21 the centers required to report at a fixed time, to</p> <p>22 your knowledge?</p> <p>23 A The three management positions have</p> <p>24 greater flexibility. There is a general</p> <p>25 understanding that management must be there as long</p>

<p style="text-align: right;">Page 230</p> <p>1 Patricia Yang</p> <p>2 and whenever the job requires.</p> <p>3 Q Now, you keep saying management versus, I</p> <p>4 guess, nonmanagerial, which would be Dr. Kaye.</p> <p>5 A Correct.</p> <p>6 Q Do they all perform the same functions?</p> <p>7 A There may be a difference in proportion</p> <p>8 of clinical work versus administrative work, but</p> <p>9 there is a blend of both.</p> <p>10 Q So let's go back.</p> <p>11 All of the directors of the centers, you</p> <p>12 said earlier they were all directors, right?</p> <p>13 A They are all using the office title,</p> <p>14 functional title, of clinical director.</p> <p>15 Q If they are all using the functional or</p> <p>16 office title of clinical directors, wouldn't it</p> <p>17 stand to reason that they all were doing the same</p> <p>18 thing, that they all had the same position?</p> <p>19 A They all have similar responsibilities,</p> <p>20 the same responsibilities, but in slightly different</p> <p>21 proportions possibly, depending on the work load and</p> <p>22 case loads.</p> <p>23 Q Isn't it against the collective</p> <p>24 bargaining agreement to treat them differently based</p> <p>25 on work loads?</p>	<p style="text-align: right;">Page 232</p> <p>1 Patricia Yang</p> <p>2 A Well, in order to do what I just said,</p> <p>3 they have to make sure that staffing, appropriate</p> <p>4 staffing, qualified staffing, are there, that the</p> <p>5 staff are doing their job, doing high quality work,</p> <p>6 that they are doing their jobs.</p> <p>7 Q Outside of what you testified earlier was</p> <p>8 Dr. Kaye's decision not to take the managerial</p> <p>9 title, what, to your knowledge, made her different</p> <p>10 from the other clinical directors?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer it.</p> <p>13 A That she didn't want to leave her</p> <p>14 Attending Physician title.</p> <p>15 Q But nothing else? Not her job functions,</p> <p>16 not who she reported to, nothing else; is that</p> <p>17 right?</p> <p>18 A In general, the responsibilities are the</p> <p>19 same.</p> <p>20 Q So it is your testimony that they were</p> <p>21 all performing the same job functions and that they</p> <p>22 were all clinical directors, but for whatever</p> <p>23 reason, they were treated -- they were treated</p> <p>24 differently when it came to coming in and leaving</p> <p>25 the centers; am I right?</p>
<p style="text-align: right;">Page 231</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 You can answer.</p> <p>4 A I don't think management is collectively</p> <p>5 bargained.</p> <p>6 Q Okay. Dr. Kaye is under the collective</p> <p>7 bargaining agreement, and she is performing the same</p> <p>8 functions as the managers, who are clinical -- which</p> <p>9 you allege are clinical directors; is that right?</p> <p>10 A The job requirement of being the clinical</p> <p>11 director of the FPECC clinics is the same.</p> <p>12 Q So they are all doing 390 and 730 exams;</p> <p>13 is that right?</p> <p>14 A I don't know that everybody is doing 390.</p> <p>15 I don't know the number of those. Everybody is</p> <p>16 doing 730.</p> <p>17 Q For certain, everyone is doing 730s?</p> <p>18 A That's correct.</p> <p>19 Q To your understanding, what are the</p> <p>20 functions of a clinical director at a clinic, a</p> <p>21 court clinic?</p> <p>22 A To make sure that court-ordered</p> <p>23 evaluations are done and completed and written up</p> <p>24 and provided back to the courts.</p> <p>25 Q And what other functions do they have?</p>	<p style="text-align: right;">Page 233</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 You can answer.</p> <p>4 A Because they are not -- they are</p> <p>5 managers.</p> <p>6 Q Dr. Kaye is doing the same thing as the</p> <p>7 other managers, right? She is coming in. She is</p> <p>8 performing the evaluations. She is seeing to it</p> <p>9 that they are completed. Why is she any different</p> <p>10 than the other directors?</p> <p>11 A Because she chose to stay in a</p> <p>12 collectively bargained title that has different</p> <p>13 rules than managers have.</p> <p>14 Q Is it because she is in this title that</p> <p>15 she is required to come in at a certain time, or is</p> <p>16 it because she is a manager? She is not a manager.</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A They are the same, one and the same.</p> <p>19 Q Now, would you be able to testify that no</p> <p>20 one else had Dr. Kaye's title, Dr. Kaye's</p> <p>21 nonmanagerial title as a director at the center?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 A That's my understanding.</p> <p>24 Q You are saying, because she was in the</p> <p>25 collective bargaining agreement, she couldn't get it</p>

<p style="text-align: right;">Page 234</p> <p>1 Patricia Yang</p> <p>2 changed, if she asked for a leave under Family</p> <p>3 Medical Leave Act, right?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A So that's not my purview. That's a</p> <p>6 system decision.</p> <p>7 Q But you knew that she was complaining</p> <p>8 about this. You knew she was complaining at least</p> <p>9 from the EEOC charge, right?</p> <p>10 A Okay.</p> <p>11 Q And you also knew she was complaining</p> <p>12 about this after she filed her lawsuit; is that</p> <p>13 right?</p> <p>14 MS. CANFIELD: Objection. What is</p> <p>15 "this"?</p> <p>16 Q She was complaining about her hours.</p> <p>17 A I was aware that she was complaining</p> <p>18 about her hours. Not to me, but yes, I was aware.</p> <p>19 Q Why is it that you could not treat her</p> <p>20 like the other directors?</p> <p>21 A Because she is not in a management</p> <p>22 position.</p> <p>23 Q And is that the only reason why she was</p> <p>24 treated differently, because she wasn't in a</p> <p>25 management decision?</p>	<p style="text-align: right;">Page 236</p> <p>1 Patricia Yang</p> <p>2 titles. It is what shows up in your payroll system.</p> <p>3 Q Okay. Who controls the payroll system?</p> <p>4 A Health and Hospitals.</p> <p>5 Q The payroll system, is it governed by the</p> <p>6 City of New York?</p> <p>7 MS. CANFIELD: Objection. You can</p> <p>8 answer.</p> <p>9 A I don't know because we are a</p> <p>10 quasi-benefit corporation.</p> <p>11 Q The payroll titles, who creates the</p> <p>12 payroll titles?</p> <p>13 A I don't know the extent to which all of</p> <p>14 the payroll titles that Health and Hospitals uses</p> <p>15 are the same as what the City uses. I know that</p> <p>16 there are some differences, not every title that</p> <p>17 Health and Hospitals has, a city or mayoral agency</p> <p>18 has.</p> <p>19 Q Is it there a distinction between the</p> <p>20 payroll title and the Civil Service title?</p> <p>21 A Yes.</p> <p>22 Q What is it?</p> <p>23 A A Civil Service title is the title that</p> <p>24 is in the collective bargaining agreement. A</p> <p>25 payroll title is the title that shows up in the</p>
<p style="text-align: right;">Page 235</p> <p>1 Patricia Yang</p> <p>2 A Because she chose to stay in the</p> <p>3 Attending Physician position, which, under the</p> <p>4 collectively bargained agreement, requires a</p> <p>5 physician in that title to work forty-five hours a</p> <p>6 week.</p> <p>7 Q But you are not sure that the other</p> <p>8 directors were all managers, right?</p> <p>9 A I know that they are all managers. They</p> <p>10 are all in management titles. I cannot tell you</p> <p>11 which specific payroll title that is, but they are</p> <p>12 in management positions.</p> <p>13 Q What determines whether or not they are</p> <p>14 managers? Is it their Civil Service title or is it</p> <p>15 their office title?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A It is their payroll title.</p> <p>18 Q Is the payroll title different than the</p> <p>19 Civil Service title?</p> <p>20 A That's a nuance that I don't know that I</p> <p>21 can answer, but in my lay terms -- and I'm not a</p> <p>22 labor lawyer, so I am not sure about that. But in</p> <p>23 my own mind, a Civil Service title is a unionized</p> <p>24 title because it is Civil Service, and a payroll</p> <p>25 title can be management titles and Civil Service</p>	<p style="text-align: right;">Page 237</p> <p>1 Patricia Yang</p> <p>2 payroll system.</p> <p>3 Q So are you saying that there are no</p> <p>4 managers in the Civil Service system?</p> <p>5 A In my lay terms. That's in my mind how</p> <p>6 it works. That may not be technically true.</p> <p>7 Q So you can't say for a fact whether or</p> <p>8 not these other physicians have -- you don't know</p> <p>9 what their Civil Service titles are?</p> <p>10 A I don't know what their payroll titles</p> <p>11 are.</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 Q Do you know if they have Civil Service</p> <p>14 titles, these managers?</p> <p>15 A In my world, they do not have Civil</p> <p>16 service titles. They have payroll titles.</p> <p>17 Q You worked for the City of New York</p> <p>18 throughout your entire career?</p> <p>19 A Not throughout.</p> <p>20 Q Off and on. In the '80s, you worked for</p> <p>21 Health and Hospitals, and you were an analyst. You</p> <p>22 testified to that earlier. You know the difference</p> <p>23 between a Civil Service title and an office title;</p> <p>24 am I right?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 238</p> <p>1 Patricia Yang</p> <p>2 Q And at that time, was there a payroll</p> <p>3 title when you were working n H and H back in the</p> <p>4 '80s?</p> <p>5 A Was there a payroll title?</p> <p>6 Q Yes.</p> <p>7 A Yes.</p> <p>8 Q So you are saying there is a Civil</p> <p>9 Service title, a payroll title, and a civil -- a</p> <p>10 payroll title, a Civil Service title, and an office</p> <p>11 title. Is that what are you arguing? Are you</p> <p>12 saying that today?</p> <p>13 A I am saying that there is a payroll</p> <p>14 title, and that payroll title could be collectively</p> <p>15 bargained, which would be a Civil Service title, or</p> <p>16 it could be not collectively bargained, and it is a</p> <p>17 management title.</p> <p>18 Q Is there an office title?</p> <p>19 A Some people have office titles. Some</p> <p>20 people like to be directors things or -- yeah.</p> <p>21 Q Well, you are senior vice president,</p> <p>22 right?</p> <p>23 A Yes.</p> <p>24 Q That would be what, what title is that?</p> <p>25 A I am very fortunate that senior vice</p>	<p style="text-align: right;">Page 240</p> <p>1 Patricia Yang</p> <p>2 Q You were in HR at one point, weren't you?</p> <p>3 Weren't you over at HR at one point in your career?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A Somewhere, yes.</p> <p>6 Q So you would be familiar with the</p> <p>7 distinctions between Civil Service, payroll, and</p> <p>8 office titles. Wouldn't that be true?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 A Yes.</p> <p>11 Q And so why are you using the term -- I</p> <p>12 guess -- what is the word -- interchangeably, or at</p> <p>13 least trying to make a distinction between a Civil</p> <p>14 Service title and a payroll title when it doesn't</p> <p>15 necessarily exist?</p> <p>16 Do you know, is there a document that</p> <p>17 says that these are the payroll titles for the</p> <p>18 agency?</p> <p>19 A Yes.</p> <p>20 Q And what is that document?</p> <p>21 A It is the payroll.</p> <p>22 Q What is it called?</p> <p>23 A Payroll.</p> <p>24 Q Now, are you arguing today that the</p> <p>25 payroll title does not exist in the Civil Service,</p>
<p style="text-align: right;">Page 239</p> <p>1 Patricia Yang</p> <p>2 president happens to be both my role and my office</p> <p>3 title and my management title. I'm one of the few.</p> <p>4 Q You are all three things, right?</p> <p>5 A Yes.</p> <p>6 Q But you are not sure if they are all</p> <p>7 three things for the other directors of the centers;</p> <p>8 am I right?</p> <p>9 A I know that their office title is</p> <p>10 clinical director. I do not know their payroll</p> <p>11 title.</p> <p>12 Q And you don't know if they have a Civil</p> <p>13 Service title?</p> <p>14 A I am really -- if I find out that they</p> <p>15 are union, that would be a surprise.</p> <p>16 Q But if they have a Civil Service title,</p> <p>17 it doesn't necessarily mean they are union.</p> <p>18 A In my lay person's view, it is. Civil</p> <p>19 Service is collectively bargained.</p> <p>20 Q I understand in your lay opinion, but not</p> <p>21 all Civil Service titles are governed by the</p> <p>22 collective bargaining agreement.</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 A I can't answer that. I'm not a labor</p> <p>25 expert.</p>	<p style="text-align: right;">Page 241</p> <p>1 Patricia Yang</p> <p>2 under the Civil Service titles? They don't have --</p> <p>3 there are no titles in common between the Civil</p> <p>4 Service and the payroll titles?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 A I'm not saying that.</p> <p>7 Q You are not?</p> <p>8 A No.</p> <p>9 Q What are you saying?</p> <p>10 A I don't know what I am being asked.</p> <p>11 Q I am asking -- you are trying to say</p> <p>12 that, because Dr. Kaye has an Attending Physician</p> <p>13 title, that she is a Civil Service.</p> <p>14 A That is a Civil Service title.</p> <p>15 Q And you are saying the Physician</p> <p>16 Specialist is not?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A I don't know -- the Physician Specialist</p> <p>19 I'm sure is a payroll title. Whether it is a</p> <p>20 management title or Civil Service title, I cannot</p> <p>21 answer.</p> <p>22 Q Right. You can't for certain justify why</p> <p>23 they would be allowed to come and go as they please</p> <p>24 versus Dr. Kaye having to adhere to this schedule.</p> <p>25 MS. CANFIELD: Objection.</p>

<p style="text-align: right;">Page 242</p> <p>1 Patricia Yang</p> <p>2 A The clinical directors who are in</p> <p>3 management payroll titles have different rules of</p> <p>4 employment and work hours.</p> <p>5 Q The Physician Specialist, do you know for</p> <p>6 a fact they are not governed by the collective</p> <p>7 bargaining agreement?</p> <p>8 A I know this is really frustrating for</p> <p>9 you.</p> <p>10 Q I'm not frustrated at all.</p> <p>11 A Good. Good. I feel frustrated then.</p> <p>12 Q Okay. Sure.</p> <p>13 A Physician Specialist, I cannot tell you</p> <p>14 if it is a management title or a collectively</p> <p>15 bargained title.</p> <p>16 Q What about the physicians? Are they</p> <p>17 collective bargaining or a management position?</p> <p>18 A The Attending Physician?</p> <p>19 Q No, just physician.</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A It depends.</p> <p>22 Q It depends on what?</p> <p>23 A It depends on which title they are in.</p> <p>24 Q Now, I am going to switch up topics.</p> <p>25 When Dr. Kaye filed her EEOC charge, at</p>	<p style="text-align: right;">Page 244</p> <p>1 Patricia Yang</p> <p>2 people who were transitioning from Corizon over, or</p> <p>3 at least -- well, at that point, you guys were</p> <p>4 absorbing all of the clinics.</p> <p>5 Basically, none of her conditions of</p> <p>6 employment would change, that's what Dr. Kaye</p> <p>7 alleges happened, that you and Mr. Wangel assured</p> <p>8 her that the conditions of her employment would be</p> <p>9 the same.</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 You can answer.</p> <p>12 A I believe what we assured people, apart</p> <p>13 from telling them the benefits of the consolidation</p> <p>14 of management, was that there wasn't going to be a</p> <p>15 change in their titles or their salaries or their</p> <p>16 work locations, unless they wished it.</p> <p>17 Q Well, she didn't wish any change. She</p> <p>18 didn't want any change but, in fact, it did change.</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A My understanding is that it was -- the</p> <p>21 issue that came up, that surfaced, was that she was</p> <p>22 not -- her workday was not in compliance with her</p> <p>23 title, her work hours.</p> <p>24 Q At some point, there were e-mail</p> <p>25 exchanges between Dr. Kaye and Mr. Wangel and</p>
<p style="text-align: right;">Page 243</p> <p>1 Patricia Yang</p> <p>2 any point, did you say that you were miffed about</p> <p>3 her filing the complaint?</p> <p>4 A Yes. I was miffed. I said earlier this</p> <p>5 morning that I -- yeah. I don't know if I used the</p> <p>6 word miffed, but yeah.</p> <p>7 Q Now, Dr. Kaye alleges, because you were</p> <p>8 miffed, her shift changed.</p> <p>9 A That's absolutely not true.</p> <p>10 Q So why did it change after she filed her</p> <p>11 EEOC charge?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 A I don't believe that happened.</p> <p>14 Q She alleges that she filed her EEOC</p> <p>15 charge in May, and by August, her shift changed,</p> <p>16 even though she had been promised that it would not</p> <p>17 change.</p> <p>18 A It may have been the timing of correction</p> <p>19 because, again, before the court clinics came over</p> <p>20 to us, they just operated without any support or</p> <p>21 supervision, and it goes both ways. So while they</p> <p>22 got support and resources, they also had</p> <p>23 accountability.</p> <p>24 Q Okay. Now, you alleged earlier that,</p> <p>25 when the transition to the clinics came over, that</p>	<p style="text-align: right;">Page 245</p> <p>1 Patricia Yang</p> <p>2 yourself asking for clarification as to what her</p> <p>3 conditions would be like once she moved from</p> <p>4 Bellevue over to CHS, and in these e-mail exchanges,</p> <p>5 Dr. Kaye was assured she would continue to have the</p> <p>6 same hours, same working conditions, nothing would</p> <p>7 impact -- she had a whole laundry list of things.</p> <p>8 She was trying to ensure that everything was the</p> <p>9 same. Did you ever see any e-mails to that effect?</p> <p>10 A I may have.</p> <p>11 Q And at that time, Dr. Kaye was assured</p> <p>12 that nothing would change. Why would she be told</p> <p>13 one thing at that time, and then be switched over?</p> <p>14 Why would she have to be subjected to a change?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 A I am conjecturing that neither she nor we</p> <p>18 were aware that her work hours were not in</p> <p>19 compliance with the collectively bargained</p> <p>20 parameters of her title.</p> <p>21 Q Who brought that to your attention? Why</p> <p>22 was it a deal -- she said she was the only one in</p> <p>23 that title. Why does she have to be compliant with</p> <p>24 the collective bargaining agreement and no one else?</p> <p>25 A Because she was the only one in that</p>

<p style="text-align: right;">Page 246</p> <p>1 Patricia Yang</p> <p>2 title.</p> <p>3 Q Even still, she was still doing the same</p> <p>4 work as the other directors.</p> <p>5 A Right.</p> <p>6 Q Right?</p> <p>7 A In a different title.</p> <p>8 Q But still the same work?</p> <p>9 A Similar. Similar overall</p> <p>10 responsibilities.</p> <p>11 Q I mean, in essence, could you have argued</p> <p>12 that she was working out of title since the other</p> <p>13 directors were in managerial titles and doing</p> <p>14 managerial work, and she was in a title in the</p> <p>15 collective bargaining agreement and was doing</p> <p>16 managerial work?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A I am not sure. I would have to consult</p> <p>19 with my labor folks as to whether Attending</p> <p>20 Physician III includes the right balance of</p> <p>21 managerial work, or supervisory work, I should say.</p> <p>22 Q Why wouldn't she be a supervisor?</p> <p>23 Dr. Kaye was working as a director longer than the</p> <p>24 other directors. She was at the clinic since 1999.</p> <p>25 Are you aware of that?</p>	<p style="text-align: right;">Page 248</p> <p>1 Patricia Yang</p> <p>2 Q Why wouldn't you think it is relevant?</p> <p>3 If you had someone who had been there since the</p> <p>4 inception of the clinics at your disposal, why</p> <p>5 wouldn't you think that that was relevant?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A Because I have HR staff that look at</p> <p>8 these things.</p> <p>9 Q Still, she is a resource. You are still</p> <p>10 learning about the clinics themselves; am I right?</p> <p>11 A I am always learning about everything.</p> <p>12 Q Why wouldn't you go to the person who</p> <p>13 would have the most knowledge about these clinics?</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 A Because I have Dr. MacDonald and Dr. Ford</p> <p>16 and Dr. Jain.</p> <p>17 Q Well, Dr. MacDonald isn't a psychiatrist</p> <p>18 or psychologist. You said he was an internist.</p> <p>19 Didn't you say that?</p> <p>20 A Yes, and he is.</p> <p>21 Q So how would he know what was going on</p> <p>22 with the court clinics if he never has performed a</p> <p>23 forensic exam in his career?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A At senior level of leadership and</p>
<p style="text-align: right;">Page 247</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A No.</p> <p>4 Q So you didn't know that Dr. Kaye had been</p> <p>5 there before the other clinic directors?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A We talked about that this morning. I</p> <p>9 didn't know when Dr. Owens started at Kings County,</p> <p>10 and I didn't know when Dr. Kaye started at Bellevue.</p> <p>11 They were not my employees.</p> <p>12 Q But at the same time, you had to know</p> <p>13 that she had more experience than the other</p> <p>14 directors, right?</p> <p>15 A I didn't have to.</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A I did not have to know that.</p> <p>18 Q At some point, Dr. Kaye wrote a letter to</p> <p>19 you laying out what she complained. She talked</p> <p>20 about that she had been a court evaluator since</p> <p>21 1999. Did you know of anyone else who had been a</p> <p>22 court elevator since 1999 at the clinic?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 A No, and I didn't ask. I didn't see that</p> <p>25 as relevant.</p>	<p style="text-align: right;">Page 249</p> <p>1 Patricia Yang</p> <p>2 management, you don't have to have the technical</p> <p>3 expertise. That's why you hire. You have larger</p> <p>4 context to bring forward. You have critical</p> <p>5 inquiry. You have judgment. You have experience.</p> <p>6 All of those things matter.</p> <p>7 Q Now, you are saying also that -- well,</p> <p>8 earlier, we talked about Dr. Ford's experience and</p> <p>9 background, and you said she had more of a clinician</p> <p>10 and evaluatory; am I right? A treating background;</p> <p>11 am I right?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 You can answer.</p> <p>14 A I don't recall if those were my exact</p> <p>15 words with you. Yes, she is a forensic</p> <p>16 psychiatrist.</p> <p>17 Q Had you ever known Dr. Ford to ever do a</p> <p>18 forensic exam?</p> <p>19 A Not under my employment.</p> <p>20 Q Did you know Dr. Ford ever did one?</p> <p>21 A I believe she did.</p> <p>22 Q Now --</p> <p>23 A Or certainly ran a program.</p> <p>24 Q Now, would it surprise you that Dr. Kaye</p> <p>25 had been there before Dr. Ford performing these</p>

<p style="text-align: right;">Page 250</p> <p>1 Patricia Yang</p> <p>2 forensic evaluations?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A I am not sure that I would be surprised</p> <p>5 or not surprised.</p> <p>6 MS. HAGAN: I am going to show you what</p> <p>7 is marked Plaintiff's Exhibit 11.</p> <p>8 (Whereupon, a discussion was held off</p> <p>9 the record.)</p> <p>10 (A two-page e-mail, dated May 3, 2018,</p> <p>11 from Dr. Kaye to Dr. Yang was received and</p> <p>12 marked Plaintiff's Exhibit 11 for</p> <p>13 identification at this time.)</p> <p>14 MS. CANFIELD: Thank you.</p> <p>15 MS. HAGAN: When you are finished</p> <p>16 reading it, I have some questions for you.</p> <p>17 THE WITNESS: Yes. It is the same thing</p> <p>18 as Exhibit 10.</p> <p>19 MS. HAGAN: It is not, actually.</p> <p>20 Exhibit 11 is different. The e-mail is</p> <p>21 actually just to you.</p> <p>22 Unfortunately, there are no Bates stamps</p> <p>23 on it, but it is from --</p> <p>24 MS. CANFIELD: It is the same as --</p> <p>25 THE WITNESS: It is the same.</p>	<p style="text-align: right;">Page 252</p> <p>1 Patricia Yang</p> <p>2 That's not what she testified to.</p> <p>3 Q Keep going. You couldn't testify -- you</p> <p>4 couldn't assert whether or not Dr. Mundy was a</p> <p>5 Physician Specialist; is that right?</p> <p>6 A Because I don't know the title of</p> <p>7 Physician Specialist. That's correct.</p> <p>8 Q In this last paragraph, Dr. Kaye says:</p> <p>9 "I have been trying for years to rectify</p> <p>10 this and believe this problem needs to be corrected,</p> <p>11 since it is unlawful to pay me less because I am a</p> <p>12 woman.</p> <p>13 "I request my line to be changed to</p> <p>14 Physician Specialist with retention of all of my</p> <p>15 current benefits, union membership, pension, et</p> <p>16 cetera, with the consummate increase in compensation</p> <p>17 equal to or higher than my male colleagues."</p> <p>18 Now, first and foremost, could that be</p> <p>19 done?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A I'm not the labor expert, not the HR</p> <p>22 expert.</p> <p>23 Q To your knowledge, could she have been</p> <p>24 changed to Physician Specialist?</p> <p>25 A I am not the HR expert to determine</p>
<p style="text-align: right;">Page 251</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: It is the same as page</p> <p>3 two.</p> <p>4 MS. HAGAN: Let's look at Exhibit 11,</p> <p>5 because this is just the complaint</p> <p>6 specifically. 10 has more to it.</p> <p>7 Q Now, 11 is a complaint from Dr. Kaye to</p> <p>8 you; is that right, Dr. Yang?</p> <p>9 A Yes, that's right.</p> <p>10 Q And it is dated May 3rd, 2018. Let's</p> <p>11 start with the last paragraph.</p> <p>12 Earlier, you said that Dr. Kaye did not</p> <p>13 want to be in the Physician Specialist line; is that</p> <p>14 right?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 That's not right.</p> <p>17 Q You said that she didn't -- well, you</p> <p>18 said that she didn't want to be in a managerial --</p> <p>19 A She did not want to be in the management</p> <p>20 title as the director of the clinic when the clinics</p> <p>21 came over to us.</p> <p>22 Q You said that she didn't want her title</p> <p>23 to be changed because she would be out of the</p> <p>24 collective bargaining agreement; is that right?</p> <p>25 MS. CANFIELD: Objection.</p>	<p style="text-align: right;">Page 253</p> <p>1 Patricia Yang</p> <p>2 qualifications.</p> <p>3 Q Did you ask anyone whether or not</p> <p>4 Dr. Kaye's title could be changed to Physician</p> <p>5 Specialist?</p> <p>6 A No, because what we posted -- and I don't</p> <p>7 know the payroll title of the clinical directors for</p> <p>8 the FPECC clinics when we took them over.</p> <p>9 Q You don't know if any one of them were</p> <p>10 Physician Specialists?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer.</p> <p>13 A Correct.</p> <p>14 Q Okay. Now, she mentions is this in</p> <p>15 e-mail twice that she has been a court elevator</p> <p>16 since 1999, at least twice.</p> <p>17 At no point did you think, perhaps, you</p> <p>18 should engage Dr. Kaye as a resource or at least to</p> <p>19 learn more about the court clinics?</p> <p>20 Because you said at one point you engaged</p> <p>21 Dr. Owens, but you didn't engage Dr. Kaye; is that</p> <p>22 right?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 A Dr. Owens was the one that attended the</p> <p>25 MOCJ meetings.</p>

<p style="text-align: right;">Page 254</p> <p>1 Patricia Yang</p> <p>2 Q Why Dr. Owens and not Dr. Kaye?</p> <p>3 A You'd have to ask her.</p> <p>4 Q Ask who?</p> <p>5 A Dr. Owens.</p> <p>6 Q You don't make a determination as to who</p> <p>7 goes to MOCJ?</p> <p>8 A They didn't -- they weren't working for</p> <p>9 me.</p> <p>10 Q At this point, right now, who goes to the</p> <p>11 MOCJ meetings from the court clinics?</p> <p>12 A I don't think that these meetings are</p> <p>13 still happening.</p> <p>14 Q They are not?</p> <p>15 A I don't know.</p> <p>16 Q But you knew for a fact at that time that</p> <p>17 Dr. Owens was going to these meetings?</p> <p>18 A I know that because, the one or two times</p> <p>19 I went, she was there.</p> <p>20 Q And you've never been again?</p> <p>21 A I have not.</p> <p>22 Q Okay. Again, you don't really know the</p> <p>23 difference between what Dr. Kaye was doing at her</p> <p>24 clinic versus what the other directors were doing,</p> <p>25 do you?</p>	<p style="text-align: right;">Page 256</p> <p>1 Patricia Yang</p> <p>2 writing that said that Dr. Kaye was not working out</p> <p>3 of title?</p> <p>4 A No.</p> <p>5 Q So you are not -- so how are you -- were</p> <p>6 you told verbally that she wasn't working out of</p> <p>7 title?</p> <p>8 A When the clinics were coming over to us,</p> <p>9 it was brought to my attention she did not want to</p> <p>10 take the management position and she wanted to stay</p> <p>11 in her collectively bargaining title, and that there</p> <p>12 would be -- that could be accommodated, if I wanted</p> <p>13 to grant that.</p> <p>14 That is the end point of analysis done by</p> <p>15 the HR people as to qualifications and job scope.</p> <p>16 Q I understand that you said that that was</p> <p>17 the end all.</p> <p>18 A End point.</p> <p>19 Q End point. But the things is, you had</p> <p>20 three other directors, who were managers, performing</p> <p>21 the same job functions, and Dr. Kaye doing something</p> <p>22 completely different, doing the same thing with a</p> <p>23 completely different title, a lesser title.</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A I don't think it was a lesser title. It</p>
<p style="text-align: right;">Page 255</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 You can answer.</p> <p>4 A Do I really know what Dr. Kaye was doing?</p> <p>5 Compared to the others?</p> <p>6 Q Yes.</p> <p>7 A Correct. They all needed to run their</p> <p>8 clinics.</p> <p>9 Q Again, you have been HR off and on</p> <p>10 throughout your career. Why is it that you didn't</p> <p>11 insist or at least check to see if Dr. Kaye was</p> <p>12 working out of title as an Attending Physician?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A Because I asked my HR people to do that.</p> <p>15 Q You did. Who did you ask?</p> <p>16 A That would have been somebody under Jess</p> <p>17 Laboy's or Jonathan Wangel's shop, depending when</p> <p>18 that was.</p> <p>19 Q Did they get back to you?</p> <p>20 A Yes.</p> <p>21 Q And what did they say?</p> <p>22 A That everything looked good.</p> <p>23 Q Who said that everything looked good?</p> <p>24 A I think probably Wangel or Laboy.</p> <p>25 Q Did you get something from them in</p>	<p style="text-align: right;">Page 257</p> <p>1 Patricia Yang</p> <p>2 was an accommodation to her.</p> <p>3 Q Well, she couldn't come and go as she</p> <p>4 pleased as she wanted.</p> <p>5 A Her staying in her title was an</p> <p>6 accommodation to her.</p> <p>7 Q You said that she could not go -- she</p> <p>8 could not have the hours she wanted, which was the</p> <p>9 nine to five with a half hour lunch.</p> <p>10 A The collectively bargained title that she</p> <p>11 is in requires a forty-five-hour work week with a</p> <p>12 one hour lunch each day.</p> <p>13 Q Even if she asked for reasonable</p> <p>14 accommodations, they could not accommodate her?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A I believe all her requests were forwarded</p> <p>17 to central for review.</p> <p>18 Q Okay. Are you aware of the reasonable</p> <p>19 accommodation process?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A Yes. Generally, yes.</p> <p>22 Q Okay. What is it?</p> <p>23 A I refer the matter over to my staff to</p> <p>24 review. They work with the central office people as</p> <p>25 to whether it is reasonable or not, provide</p>

<p style="text-align: right;">Page 258</p> <p>1 Patricia Yang</p> <p>2 information, documentation, and a decision is given.</p> <p>3 Q Do you know what the standard is under --</p> <p>4 do you know what the standard is in determining</p> <p>5 whether or not be it is a reasonable accommodation?</p> <p>6 A Not specifically enough to describe.</p> <p>7 Q Would you know whether or not the</p> <p>8 standard was whether or not it was an undue hardship</p> <p>9 to the clinic?</p> <p>10 A I think that's part of the calculation.</p> <p>11 Q Would it have been an undue hardship to</p> <p>12 the clinic if Dr. Kaye had a thirty-minute lunch</p> <p>13 versus an hour lunch?</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 A I can't speak to what led to the</p> <p>16 decision.</p> <p>17 Q What I am asking you is, would it have</p> <p>18 been an undue hardship if she just had thirty</p> <p>19 minutes versus an hour for lunch?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A I'm not close enough to the operation to</p> <p>22 know that.</p> <p>23 Q Ultimately, you can make a determination;</p> <p>24 am I right? You can say whether or not she can have</p> <p>25 the accommodation; am I right?</p>	<p style="text-align: right;">Page 260</p> <p>1 Patricia Yang</p> <p>2 herself, and in both instances, she was denied. Are</p> <p>3 you aware of that?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A I am not aware of that.</p> <p>6 Q Are you aware of her being denied for her</p> <p>7 son?</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 A I'm not aware of that.</p> <p>10 Q You don't know that Dr. Kaye had a son</p> <p>11 with a skin ailment?</p> <p>12 A With a what?</p> <p>13 Q A skin ailment.</p> <p>14 A No.</p> <p>15 Q It was never brought to your attention</p> <p>16 that Dr. Kaye said that the shift change she is</p> <p>17 experiencing was having a deleterious effect on her</p> <p>18 family?</p> <p>19 A I am aware she asked for an accommodation</p> <p>20 that was handle by my staff with the people in</p> <p>21 central office.</p> <p>22 Q Do you recall your staff ever telling</p> <p>23 Dr. Kaye that the reasonable accommodation process</p> <p>24 does not apply to her family members, but just to</p> <p>25 her as an employee?</p>
<p style="text-align: right;">Page 259</p> <p>1 Patricia Yang</p> <p>2 A Based on the recommendation and review of</p> <p>3 everyone else.</p> <p>4 Q But you have the ultimate say so.</p> <p>5 A I'm not sure on reasonable accommodations</p> <p>6 that I do. I think the system does.</p> <p>7 Q Who is the system? Who is in that</p> <p>8 system?</p> <p>9 A Health and Hospitals, whoever my staff</p> <p>10 deals with on these.</p> <p>11 Q Who is the most senior person? Who makes</p> <p>12 the determination? I'm sure Dr. Kaye is not the</p> <p>13 only person who asked for reasonable accommodation</p> <p>14 since you have been this capacity.</p> <p>15 Who makes the determination? Is it the</p> <p>16 EEO officer?</p> <p>17 A I don't know that it is the EEO officer.</p> <p>18 I think the EEO might come into it if it is an EEO</p> <p>19 issue. It doesn't have to be reasonable</p> <p>20 accommodation. It could be -- I believe it is</p> <p>21 someone in HR.</p> <p>22 Q In this instance, she asked for</p> <p>23 reasonable accommodation twice. She asked for</p> <p>24 reasonable accommodations to take care of her son,</p> <p>25 and she also asked for reasonable accommodation for</p>	<p style="text-align: right;">Page 261</p> <p>1 Patricia Yang</p> <p>2 A I wouldn't get involved in that.</p> <p>3 Q Even though she had complained to you and</p> <p>4 cc'd you on numerous e-mails regarding reasonable</p> <p>5 accommodation requests to take care of her son?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A I have great faith in my leadership team.</p> <p>8 They know their work. They know their job. They</p> <p>9 are very expert in it.</p> <p>10 Q But you have someone who is making EEO</p> <p>11 complaints. You said that, when she talked about</p> <p>12 pay disparity, you bounced it back to Mr. Hicks,</p> <p>13 right?</p> <p>14 A I object. I can object to that?</p> <p>15 Q You can't object.</p> <p>16 MS. CANFIELD: I object.</p> <p>17 Q You can say -- you can ask that I</p> <p>18 rephrase it, but you wouldn't object.</p> <p>19 A Okay. I would ask that that</p> <p>20 characterization be reframed.</p> <p>21 Q You said the pay equity issues fell under</p> <p>22 Bellevue. You said that, right?</p> <p>23 A That's correct.</p> <p>24 Q And that's why you didn't deal with her</p> <p>25 EEO equal pay claim, right?</p>

<p style="text-align: right;">Page 262</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A That's why I didn't deal with it</p> <p>4 directly. I did deal with it in that I referred it</p> <p>5 to Mr. Hicks, who is in charge of resolving and</p> <p>6 investigating it, and I also did ultimately let Miss</p> <p>7 Greenfield know so that she was aware, since this</p> <p>8 was not my issue, but it was a system issue.</p> <p>9 Q But you said clearly in this e-mail,</p> <p>10 Exhibit 10, that you are dumping BHC into the soup.</p> <p>11 "I don't know and I don't want to know</p> <p>12 what they did to address her EEOC issues." That's</p> <p>13 what you said.</p> <p>14 A That's correct.</p> <p>15 Q So how does that translate into you</p> <p>16 dealing with it?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A I deal with it in that I referred it to</p> <p>19 the top person who could investigate and resolve the</p> <p>20 matter.</p> <p>21 Q But you --</p> <p>22 A Not to me.</p> <p>23 Q You clearly say, "I don't know and don't</p> <p>24 want to know." How does that equate with you saying</p> <p>25 that you referred it and that you addressed this</p>	<p style="text-align: right;">Page 264</p> <p>1 Patricia Yang</p> <p>2 Q But when there are EEO complaints, are</p> <p>3 you saying that Mr. Wangel is the most senior person</p> <p>4 and he makes the decision as to whether or not or</p> <p>5 how EEO complaints are dealt with?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 You can answer.</p> <p>8 A Mr. Wangel at that time, and now Jessica</p> <p>9 Laboy or her staff, will work with the system's EEO</p> <p>10 officer -- frankly, I can't remember his name -- and</p> <p>11 they resolve those.</p> <p>12 Q In Exhibit 10 -- I am going to draw your</p> <p>13 attention to Exhibit 10. This is from Mr. Wangel to</p> <p>14 you.</p> <p>15 A Yes.</p> <p>16 Q On the first page, Mr. Wangel clearly</p> <p>17 says, "This is EEO. Strongly suggest Blanche be</p> <p>18 looped in." Right?</p> <p>19 A Correct.</p> <p>20 Q That doesn't sound like someone who has</p> <p>21 final say over the EEO issue in the unit; am I</p> <p>22 right?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Correct. He was telling me this is an</p>
<p style="text-align: right;">Page 263</p> <p>1 Patricia Yang</p> <p>2 issue, if you referred it elsewhere?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A Out of respect for my colleague at</p> <p>5 Bellevue, which it was referred to him. He said he</p> <p>6 was on it. I followed up with him. He said it was</p> <p>7 resolved, taken care of. That was it.</p> <p>8 I didn't need to know the details of</p> <p>9 it. It wasn't my business. I wouldn't want</p> <p>10 somebody else in another facility getting into mine.</p> <p>11 Q But she continued to complain when she</p> <p>12 worked for you.</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A Not to my knowledge, not about that,</p> <p>15 which is when I was, as you said, miffed when the</p> <p>16 EEO complaint came, because it was about the</p> <p>17 Bellevue condition, which precedes her employment</p> <p>18 with me.</p> <p>19 Q But she also complained about the shift</p> <p>20 change, too, in the EEOC complaint.</p> <p>21 A Which is a different issue.</p> <p>22 Q Again, you don't address that either.</p> <p>23 A My staff did.</p> <p>24 Q And who was your staff?</p> <p>25 A Probably Mr. Wangel at the time.</p>	<p style="text-align: right;">Page 265</p> <p>1 Patricia Yang</p> <p>2 EEO issue for Bellevue, and suggested that I loop</p> <p>3 Blanche in because it is not our issue. It is a</p> <p>4 system issue; i.e., it is another facility within</p> <p>5 the system.</p> <p>6 Q He didn't say anything about Bellevue</p> <p>7 here?</p> <p>8 A I know that, but I was there in the</p> <p>9 conversation.</p> <p>10 Q But there is no conversation. He is not</p> <p>11 mentioning anything about Bellevue, and there is no</p> <p>12 written document where Mr. Wangel is deferring to</p> <p>13 Blanche because it is an EEO -- a Bellevue issue.</p> <p>14 He is deferring to Blanche because it is an EEO</p> <p>15 issue.</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can depose Mr. Wangel and find out</p> <p>18 what he --</p> <p>19 MS. HAGAN: Sure.</p> <p>20 Q But am I right? You can't tell from this</p> <p>21 document here the reason why he is deferring to</p> <p>22 Blanche; am I right?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 A Can you repeat the question?</p> <p>25 Q From this document -- there is nothing on</p>

<p style="text-align: right;">Page 266</p> <p>1 Patricia Yang</p> <p>2 this document that says Mr. Wangel is deferring to</p> <p>3 Blanche because it is an EEO issue; am I right?</p> <p>4 A He is saying, "This is an EEO issue," and</p> <p>5 he is suggesting that I make Blanche aware that this</p> <p>6 is going to Bellevue.</p> <p>7 Q And you also know, it says nothing about</p> <p>8 him making Blanche aware that you are going to</p> <p>9 Bellevue. He never says that here in this e-mail.</p> <p>10 He just says, "This is EEO. Strongly</p> <p>11 suggest Blanche be looped in," period.</p> <p>12 You then say, "I can do that, but then I</p> <p>13 am dumping BHC into the soup."</p> <p>14 So it doesn't mean that necessarily</p> <p>15 because Blanche has been looped in that it is a</p> <p>16 Bellevue issue.</p> <p>17 You are saying then, after you do that,</p> <p>18 you are going to dump BHC into the soup. That's</p> <p>19 what you are saying in this e-mail.</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 You can answer.</p> <p>22 A So you can see below my draft e-mail is</p> <p>23 referring the matter -- telling Dr. Kaye that I am</p> <p>24 referring the matter to Bellevue.</p> <p>25 Q I will read what you have here.</p>	<p style="text-align: right;">Page 268</p> <p>1 Patricia Yang</p> <p>2 A Her desire to stay in the Attending</p> <p>3 Physician III title could be accommodated, and her</p> <p>4 salary was fine.</p> <p>5 Q Where was this? Is this in writing that</p> <p>6 her salary was fine at this point?</p> <p>7 A Yes. I don't know if it was in writing</p> <p>8 or not, but that's what my staff did.</p> <p>9 Q Did Dr. Kaye ever say to you she was fine</p> <p>10 with her salary as it was after this e-mail?</p> <p>11 A I don't recall.</p> <p>12 Q Let me make sure I am clear with the</p> <p>13 question.</p> <p>14 Did Dr. Kaye ever tell you that, after</p> <p>15 she complained on May 3rd, 2018, that she was fine</p> <p>16 with how the salary disparity had been resolved?</p> <p>17 A No, but she didn't send me another</p> <p>18 complaint, which is why I was miffed when the EEOC</p> <p>19 complaints came in.</p> <p>20 Q Well, she said -- there was an EEOC</p> <p>21 charge. At that point, clearly, this is within the</p> <p>22 same month, right?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 A I don't think so.</p> <p>25 Q You don't think -- it was in August of</p>
<p style="text-align: right;">Page 267</p> <p>1 Patricia Yang</p> <p>2 A Please do.</p> <p>3 Q Okay. "In the meantime, and we should</p> <p>4 brainstorm for July, but not with the entire FPECC</p> <p>5 crew. I propose to send her this reply below and</p> <p>6 separately sanitize her e-mail, and send to Bill,</p> <p>7 and copy her, removing editorial and elephantine</p> <p>8 quotes." Right?</p> <p>9 You say, "Dr. Kaye: Thank you for</p> <p>10 bringing your concern to my attention. As you know,</p> <p>11 the decision was made to postpone bringing the Bronx</p> <p>12 court clinics into Correctional Health Services</p> <p>13 until July 1st, 2018, specifically so that you would</p> <p>14 be an employee of Bellevue through June 30th, and,</p> <p>15 therefore, eligible to receive the retention bonus.</p> <p>16 "As such, I will convey these serious</p> <p>17 concerns and your request to the attention of</p> <p>18 Mr. William Hicks, CEO of Bellevue.</p> <p>19 "In the interim, we ask at CHS will</p> <p>20 investigate possibilities for ensuring equitable and</p> <p>21 appropriate remuneration in anticipation of the July</p> <p>22 move."</p> <p>23 Now, was that done?</p> <p>24 A Yes.</p> <p>25 Q What happened?</p>	<p style="text-align: right;">Page 269</p> <p>1 Patricia Yang</p> <p>2 2018. So clearly, now she is on your payroll. She</p> <p>3 is now -- now, she is now part of CHS, correct?</p> <p>4 A Correct.</p> <p>5 Q She has filed now an EEOC charge against</p> <p>6 you now because now she is working for you, right?</p> <p>7 A Correct.</p> <p>8 Q At any point, did you say, "Now she has</p> <p>9 brought me into this, Bill"?</p> <p>10 A I'm sorry?</p> <p>11 Q Did you ever say, "Bill, she has brought</p> <p>12 me into this," as in Mr. Hicks?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A I referred -- that was when I was miffed,</p> <p>15 and I sent the EEOC complaint to Bill, Mr. Hicks,</p> <p>16 and to Miss Greenfield, saying I thought this was</p> <p>17 taken care of.</p> <p>18 Q Did you ever say, "Now she has brought me</p> <p>19 into this"?</p> <p>20 A Brought me into this?</p> <p>21 Q As far as her pay disparity issues.</p> <p>22 Didn't you ever say something like that?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 Do you have something to refresh her</p> <p>25 recollection?</p>

<p style="text-align: right;">Page 270</p> <p>1 Patricia Yang</p> <p>2 MS. HAGAN: I am asking her from her</p> <p>3 recollection.</p> <p>4 A I don't recall.</p> <p>5 Q You don't recall.</p> <p>6 Now, at the same time, you say that you</p> <p>7 don't recall whether or not you felt that way, but</p> <p>8 you were miffed because you felt like it was</p> <p>9 resolved.</p> <p>10 A Right.</p> <p>11 Q But then you also say, "In the interim,</p> <p>12 we at CHS will investigate possibilities for</p> <p>13 ensuring equitable and appropriate remuneration in</p> <p>14 anticipation of the July move."</p> <p>15 You said that the only option she had to</p> <p>16 be paid like the other medical directors -- the</p> <p>17 other directors, other clinical directors, as you</p> <p>18 said, would be to have her be out of the collective</p> <p>19 bargaining agreement.</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A I don't think I said that.</p> <p>22 Q You said she couldn't be in a union title</p> <p>23 if she was going to be paid the same as the other</p> <p>24 directors, right?</p> <p>25 MS. CANFIELD: Objection.</p>	<p style="text-align: right;">Page 272</p> <p>1 Patricia Yang</p> <p>2 said -- I believe Bellevue took care of it. I don't</p> <p>3 know how they took care of the pay issue.</p> <p>4 Q But no. She asked to be a Physician</p> <p>5 Specialist.</p> <p>6 A And that's not my decision.</p> <p>7 Q Why couldn't you make her a Physician</p> <p>8 Specialist while she was under your tutelage?</p> <p>9 A I'm not aware that she has to be a</p> <p>10 Physician Specialist and, again, I don't know what a</p> <p>11 Physician Specialist is, but I am not aware that she</p> <p>12 has to be that as FPECC under CHH.</p> <p>13 Q So she would have had to make the request</p> <p>14 again. Is that what are you saying?</p> <p>15 A Yes.</p> <p>16 Q Okay. And even with the EEOC charge, you</p> <p>17 are saying that you couldn't have found a union</p> <p>18 title for Dr. Kaye for her to be paid at the same</p> <p>19 rate as the other directors of the centers?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A That wouldn't be my technical expertise,</p> <p>22 but my staff, who did look at the issue, said that</p> <p>23 her being able to stay in the title she was in,</p> <p>24 which is a collectively bargained title, she could</p> <p>25 still do the work, not be out of title, and there</p>
<p style="text-align: right;">Page 271</p> <p>1 Patricia Yang</p> <p>2 A I don't recall saying that.</p> <p>3 Q Could she stay in a union title and be</p> <p>4 paid the same as the other union directors -- I</p> <p>5 mean, the other clinical directors?</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A I believe, at that point in time, my</p> <p>8 staff reviewed this. They were -- there was parity.</p> <p>9 Q I am asking you if she could have stayed</p> <p>10 in a union title of any kind and been paid the same</p> <p>11 as the other clinical directors?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 A And I will tell you, again, that my</p> <p>14 understanding from my staff is that, at the time of</p> <p>15 that transfer, her desire to stay as an Attending</p> <p>16 Physician III meant that she could still do the job</p> <p>17 without being out of title, and her pay was parous</p> <p>18 with the managing jobs.</p> <p>19 Q But she doesn't say that she wants to</p> <p>20 stay as an Attending III.</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 Q She asks specifically in Exhibit 11, on</p> <p>23 the last page, that her line be changed to Physician</p> <p>24 Specialist.</p> <p>25 A And this is at Bellevue, and Bellevue</p>	<p style="text-align: right;">Page 273</p> <p>1 Patricia Yang</p> <p>2 was parity in pay.</p> <p>3 Q Is there something in writing that has</p> <p>4 those points that you just said?</p> <p>5 A I don't know.</p> <p>6 Q Could you say today that you know for a</p> <p>7 fact that Dr. Kaye did not ask to be a Physician</p> <p>8 Specialist while she was under your management?</p> <p>9 A I am not aware.</p> <p>10 Q Okay. But you can't say for a fact that</p> <p>11 she didn't ask for that?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 Q Again --</p> <p>14 A I can only say I am not aware.</p> <p>15 Q Well, no. I am going to ask you -- you</p> <p>16 don't know. The thing would be that you don't know.</p> <p>17 Wouldn't that be the answer? You don't know if she</p> <p>18 asked for it?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A I don't recall.</p> <p>21 Q You said you can't recall or you don't</p> <p>22 know?</p> <p>23 A I don't recall hearing about that.</p> <p>24 Q Okay. At no point did you speak to</p> <p>25 Dr. Kaye, with someone who has been complaining, has</p>

<p style="text-align: right;">Page 274</p> <p>1 Patricia Yang</p> <p>2 been writing everyone about her problems. You never</p> <p>3 felt compelled to speak to Dr. Kaye?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A Correct.</p> <p>6 Q Why not?</p> <p>7 A Because I knew everybody else was.</p> <p>8 Q Who is everybody else?</p> <p>9 A Her supervisor, her supervisor's</p> <p>10 supervisors, her supervisor's supervisor's</p> <p>11 supervisors, and also the HR people and the labor</p> <p>12 people.</p> <p>13 Q But you never say, "Look, clearly there</p> <p>14 is all of these e-mails going on. Why don't I speak</p> <p>15 to Dr. Kaye?"</p> <p>16 She has filed an EEO complaint at least</p> <p>17 once. You don't ask her any questions. You don't</p> <p>18 decide you are going to call or find out what is</p> <p>19 going on with the EEO investigation or anything?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A Not directly with the complainant.</p> <p>22 Q But you have no EEO officer at CHS; is</p> <p>23 that right?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A That's not the way the corporation is</p>	<p style="text-align: right;">Page 276</p> <p>1 Patricia Yang</p> <p>2 A 1,700.</p> <p>3 Q And you mean to tell me that all 1,700</p> <p>4 people just common sense would know that she is the</p> <p>5 EEO officer?</p> <p>6 A She is not the EEO officer. She is the</p> <p>7 person to whom you would raise issues about your</p> <p>8 own, about FMLA, EEO, within her shop. Not even</p> <p>9 necessarily Jessica herself. And that they are the</p> <p>10 liaison, as appropriate, to the rest of the system.</p> <p>11 Q Okay. So what is the process for filing</p> <p>12 a complaint with CHS? Is there a complaint form?</p> <p>13 A People can e-mail. People can call.</p> <p>14 Q Who is responsible for putting documents</p> <p>15 in place for the EEO office, EEO complaints?</p> <p>16 A HR.</p> <p>17 Q In CHS?</p> <p>18 A Correct.</p> <p>19 Q And that would be Miss Laboy?</p> <p>20 A Her shop.</p> <p>21 Q And do you know for a fact that she has</p> <p>22 or has not done something like that?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Do I know for a fact --</p>
<p style="text-align: right;">Page 275</p> <p>1 Patricia Yang</p> <p>2 structured.</p> <p>3 Q Do you have an EEO representative or</p> <p>4 anybody that is known as an EEO person at CHS?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 A It is widely known who to go to if you</p> <p>7 have issues, concerns about your own, about other</p> <p>8 people, if there are employee issues, if there are</p> <p>9 colleague issues. People know where to go.</p> <p>10 Q You mentioned Miss Laboy was that person,</p> <p>11 right?</p> <p>12 A Currently, yes.</p> <p>13 Q Does she have the title? Does she have</p> <p>14 EEO in her title anywhere?</p> <p>15 A She is the liaison to the system's EEO</p> <p>16 officer.</p> <p>17 Q Is Miss Laboy referred to anywhere in</p> <p>18 writing as the EEO liaison?</p> <p>19 A Not specifically, but nor do I list every</p> <p>20 other thing she is responsible for.</p> <p>21 Q How would I know that Miss Laboy, outside</p> <p>22 of word of mouth, was the EEO liaison that you are</p> <p>23 referencing?</p> <p>24 A Common sense, common knowledge.</p> <p>25 Q How many people work at CHS?</p>	<p style="text-align: right;">Page 277</p> <p>1 Patricia Yang</p> <p>2 Q If she has put an EEO policy in place for</p> <p>3 CHS?</p> <p>4 A We follow the system's policy.</p> <p>5 Q Who is the system?</p> <p>6 A Health and Hospitals.</p> <p>7 Q Okay. So if you follow the system, who</p> <p>8 is the EEO person for the system?</p> <p>9 A I don't remember his name who is assigned</p> <p>10 us to, but Jessica would know and who necessarily</p> <p>11 works for Jessica would know.</p> <p>12 Q At any point, there are no e-mails from</p> <p>13 Dr. Kaye to, let's say, Miss Laboy. You do notice</p> <p>14 that, right?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A I don't know.</p> <p>17 Q The e-mails we went over today, right,</p> <p>18 none of them are addressed to Miss Laboy from</p> <p>19 Dr. Kaye, at least not --</p> <p>20 No, none of them are.</p> <p>21 And you said it is common sense.</p> <p>22 Clearly, Dr. Kaye doesn't know that Miss Laboy is</p> <p>23 the EEO person.</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 She didn't even work there yet.</p>

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<p style="text-align: right;">Page 278</p> <p>1 Patricia Yang</p> <p>2 A Correct.</p> <p>3 Q Keep going.</p> <p>4 A Miss Laboy was not in that position at</p> <p>5 that time. It was Jonathan Wangel.</p> <p>6 Q So are you saying, at the time,</p> <p>7 Mr. Wangel was the EEO person?</p> <p>8 A He was the person within Correctional</p> <p>9 Health Services to whom you would bring issues like</p> <p>10 EEO.</p> <p>11 Q But clearly in Exhibit 10, he is saying,</p> <p>12 "This is EEO. Strongly suggest Blanche be looped</p> <p>13 in."</p> <p>14 A For two different reasons. He is saying</p> <p>15 that this is EEO, and he is saying that we need to</p> <p>16 let Blanche know for her awareness. This was going</p> <p>17 to Bellevue to handle.</p> <p>18 Q Well, Mr. Wangel was your direct report,</p> <p>19 right?</p> <p>20 A Correct, for a while.</p> <p>21 Q And if he was dealing with EEO issue,</p> <p>22 wouldn't you be monitoring whether or not he was</p> <p>23 actually investigating these complaints or resolving</p> <p>24 these complaints or anything like that?</p> <p>25 A Yes, I would.</p>	<p style="text-align: right;">Page 280</p> <p>1 Patricia Yang</p> <p>2 on when.</p> <p>3 Q Did you find out whether or not either</p> <p>4 Mr. Wangel or Miss Laboy actually addressed the</p> <p>5 reasonable accommodation, that they actually</p> <p>6 followed through with the request and reported to</p> <p>7 you?</p> <p>8 A Yes.</p> <p>9 Q Is there something in place either that</p> <p>10 Mr. Wangel or Miss Laboy actually authored</p> <p>11 themselves that is reflective of a reasonable</p> <p>12 accommodation process?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A I don't know.</p> <p>15 Q But this is someone who -- these two</p> <p>16 people report to you, and this is something that is</p> <p>17 integral to the organization. Would you say that</p> <p>18 having an EEO person or having an EEO policy is</p> <p>19 important.</p> <p>20 A Of course, it is.</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 Q So why is it that you are not sure, one,</p> <p>23 who the EEO officer is for the organization --</p> <p>24 right?</p> <p>25 A I don't know his name.</p>
<p style="text-align: right;">Page 279</p> <p>1 Patricia Yang</p> <p>2 Q So in this instance, why is it that he is</p> <p>3 just -- why is he saying that we should go to</p> <p>4 Blanche or loop Blanche in?</p> <p>5 A He was suggesting --</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A -- that I give Blanche a heads up that</p> <p>8 this was going on.</p> <p>9 This was going to Bellevue. This was an</p> <p>10 EEO Bellevue issue, not a CHS EEO issue.</p> <p>11 Q You would not ever check -- it is your</p> <p>12 testimony that you would never monitor or follow</p> <p>13 Mr. Wangel to see if he investigated this complaint,</p> <p>14 the complaint involving the pay parity?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 A Correct, because it was not for</p> <p>17 Mr. Wangel or me to investigate.</p> <p>18 Q Now, later on down the line, Dr. Kaye,</p> <p>19 she files another complaint. She files the EEO --</p> <p>20 well, she seeks a reasonable accommodation, which</p> <p>21 falls under EEO, right?</p> <p>22 So at that point it would probably fall</p> <p>23 under Miss Laboy; is that right?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A Or Wangel at that point in time. Depends</p>	<p style="text-align: right;">Page 281</p> <p>1 Patricia Yang</p> <p>2 Q But it is important though, right?</p> <p>3 A What is important is that my staff know</p> <p>4 his name.</p> <p>5 Q But you should know his name, too.</p> <p>6 MS. CANFIELD: Objection.</p> <p>7 A I disagree.</p> <p>8 Q You don't believe -- you believe it is</p> <p>9 important, but you don't think it is important</p> <p>10 enough to know who the EEO officer is?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 A I know that my staff work with him all</p> <p>13 the time. I know that he is good. He reports up to</p> <p>14 the central office. That's what I need to know.</p> <p>15 Q You don't know if there is a complaint</p> <p>16 form even in CHS to file an EEO complaint, do you?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 A Correct, because I have never filed one</p> <p>19 myself.</p> <p>20 Q But you are in charge of CHS. This is</p> <p>21 your -- this is your organization; am I right?</p> <p>22 A That's correct.</p> <p>23 Q And you have no idea whether or not there</p> <p>24 is an avenue of recourse for someone within your</p> <p>25 unit to file an EEO complaint of discrimination, of</p>

<p style="text-align: right;">Page 282</p> <p>1 Patricia Yang</p> <p>2 sexual harassment, of any kind; am I right?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A In their orientation, everybody is told</p> <p>5 about the process for EEO filing, as well as</p> <p>6 everything else.</p> <p>7 Q But I am talking about your unit. You</p> <p>8 said you -- you don't have an EEO officer.</p> <p>9 A That's correct.</p> <p>10 Q You also said you have no EEO complaint</p> <p>11 form, right?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 A That's not what I said.</p> <p>14 Q Do you have an EEO complaint form under</p> <p>15 CHS?</p> <p>16 A No. We would use the system's.</p> <p>17 Q You are saying that Blanche is part of</p> <p>18 the system; am I right?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A For good or for bad, I flag Miss</p> <p>21 Greenfield on issues that relate to staff that I</p> <p>22 think are important for her to know as the system's</p> <p>23 person.</p> <p>24 Q You make a determination as to what</p> <p>25 complaints are important and which ones aren't; am I</p>	<p style="text-align: right;">Page 284</p> <p>1 Patricia Yang</p> <p>2 what is there in place to ensure that the complaint</p> <p>3 is investigated and looked into at some point?</p> <p>4 A Because they get back to the person.</p> <p>5 Q What person?</p> <p>6 A The complainant.</p> <p>7 Q Who is they?</p> <p>8 A Either the EEO office and/or, at that</p> <p>9 point in time, Mr. Wangel.</p> <p>10 Q So is there some kind of repository that</p> <p>11 shows Mr. Wangel or Miss Laboy somebody approached</p> <p>12 them, and then they made a determination as to</p> <p>13 whether or not they were going to refer it to</p> <p>14 Blanche or whomever, or they were going to look into</p> <p>15 it themselves? Is there something that does that?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 A I'm not clear on the question. Again,</p> <p>18 Blanche is not -- Blanche is not -- everything is</p> <p>19 not referred to Miss Greenfield that comes in.</p> <p>20 Q Right.</p> <p>21 A Sometimes it is just a heads up, which</p> <p>22 was this case, because I was sending it over to</p> <p>23 Bellevue, and therefore, it was no longer in my</p> <p>24 purview.</p> <p>25 I don't supervise Mr. Hicks. So I was</p>
<p style="text-align: right;">Page 283</p> <p>1 Patricia Yang</p> <p>2 right?</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A That's incorrect.</p> <p>5 Q Who makes the determination of which ones</p> <p>6 go to Blanche and which ones don't?</p> <p>7 A The EEO office makes the determination,</p> <p>8 but I have my own personal experience that decides</p> <p>9 when I flag Miss Greenfield or not.</p> <p>10 Q Who is the EEO office are you saying</p> <p>11 makes a determination as to whether or not it goes</p> <p>12 to Miss Greenfield or Blanche?</p> <p>13 A That I don't know at all. I don't know</p> <p>14 how the internal EEO office operates.</p> <p>15 Q I am talking about your person.</p> <p>16 A An EEO complaint, if we get it, they will</p> <p>17 bring it to our EEO officer.</p> <p>18 Q I am going to ask you a straight-up</p> <p>19 question.</p> <p>20 A Yes.</p> <p>21 Q Mr. Wangel or Miss Laboy, everyone knows</p> <p>22 that you either go to one or two of these people</p> <p>23 during the period of this lawsuit, correct?</p> <p>24 A Correct.</p> <p>25 Q If someone files a complaint with them,</p>	<p style="text-align: right;">Page 285</p> <p>1 Patricia Yang</p> <p>2 raising the issue on Dr. Kaye's behalf to Mr. Hicks.</p> <p>3 I called him to have him pay attention to it, but</p> <p>4 because he doesn't report to me, and I don't have</p> <p>5 that kind of follow-up with him that I have with my</p> <p>6 staff, I wanted Miss Greenfield to be aware.</p> <p>7 Q The reasonable accommodation process, you</p> <p>8 said that that actually also fell under H and H,</p> <p>9 right?</p> <p>10 A Correct.</p> <p>11 Q Okay. So why is the reasonable</p> <p>12 accommodation process treated differently than the</p> <p>13 EEO process?</p> <p>14 MS. CANFIELD: Objection.</p> <p>15 A You would have to ask somebody else who</p> <p>16 makes those decisions for the system.</p> <p>17 Q But you are making a distinction between</p> <p>18 certain types of complaints going to the H and H and</p> <p>19 Miss Greenfield and others staying within the unit</p> <p>20 and being resolved in-house; am I right?</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 A Some things. But if somebody is asking</p> <p>23 for a reasonable accommodation or somebody is filing</p> <p>24 an EEO issue, it goes to the system's corollary.</p> <p>25 Q But reasonable accommodation is an</p>

<p style="text-align: right;">Page 286</p> <p>1 Patricia Yang</p> <p>2 amorphous term. Somebody could be asking for an</p> <p>3 ergonomic chair. It could be asking for a nice, you</p> <p>4 know, computer screen that that dulls and brightens</p> <p>5 or enlarges the font.</p> <p>6 Would you feel compelled to go to H and H</p> <p>7 to accommodate someone when you have the capacity to</p> <p>8 order the chair or the screen, if it is within your</p> <p>9 unit?</p> <p>10 A I would think that something minor could</p> <p>11 be handled by our unit, but this was not minor.</p> <p>12 Q You mean to tell me thirty-minute lunch</p> <p>13 was not considered minor?</p> <p>14 A Correct.</p> <p>15 Q Why is that?</p> <p>16 A Because it is against the collectively</p> <p>17 bargained contract.</p> <p>18 Q Who was going to argue that Dr. Kaye was</p> <p>19 breached the CBA?</p> <p>20 A We knew it.</p> <p>21 Q But the question is, who was going to</p> <p>22 grieve that? That's the question.</p> <p>23 A Anybody can grieve it.</p> <p>24 Q Now, you mean to tell me that it would</p> <p>25 have posed an undue hardship regardless, because it</p>	<p style="text-align: right;">Page 288</p> <p>1 Patricia Yang</p> <p>2 that title or anyone in your unit didn't put her in</p> <p>3 that title?</p> <p>4 A I'm not aware that she had asked for that</p> <p>5 as an alternative. I'm sorry. I'm not that close</p> <p>6 to it.</p> <p>7 Q Not even in her EEOC charge, you don't</p> <p>8 recall if she asked for that?</p> <p>9 A I don't recall.</p> <p>10 Q Okay.</p> <p>11 MS. CANFIELD? Can we take a quick</p> <p>12 break?</p> <p>13 MS. HAGAN: Sure.</p> <p>14 MS. CANFIELD: Thank you.</p> <p>15 (Whereupon, a short recess was taken at</p> <p>16 this time.)</p> <p>17 (A one-page e-mail chain, Bates stamped</p> <p>18 NYC 000957, was received and marked</p> <p>19 Plaintiff's Exhibit 12 for identification at</p> <p>20 this time.)</p> <p>21 MS. HAGAN: I'm going to show you an</p> <p>22 e-mail that's marked as Plaintiff's Exhibit</p> <p>23 12, and Plaintiff's Exhibit 12 is Bates</p> <p>24 stamped NYC 957.</p> <p>25 Q Again, here you have Dr. Kaye complaining</p>
<p style="text-align: right;">Page 287</p> <p>1 Patricia Yang</p> <p>2 was in breach of the collective bargaining</p> <p>3 agreement?</p> <p>4 A I'm not going to speak for how that</p> <p>5 decision was made.</p> <p>6 Q Now I am just asking you.</p> <p>7 A I'm not expert to opine. I'm not going</p> <p>8 to.</p> <p>9 Q You are saying you don't know if she</p> <p>10 asked to go a Physician Specialist and whether or</p> <p>11 not the Physician Specialist title was governed by</p> <p>12 the collective bargaining agreement and --</p> <p>13 First off, let me break this down.</p> <p>14 The Physician Specialist title, do you</p> <p>15 know whether or not the Physician Specialist title</p> <p>16 required an hour lunch and a forty-five-hour work</p> <p>17 week?</p> <p>18 A I do not.</p> <p>19 Q Okay. So you don't know if that was the</p> <p>20 case. And she clearly asked to be put in this</p> <p>21 title. Do you know why she wasn't put in that</p> <p>22 title?</p> <p>23 A I believe Bellevue looked at it and said</p> <p>24 no.</p> <p>25 Q Do you know why you didn't put her in</p>	<p style="text-align: right;">Page 289</p> <p>1 Patricia Yang</p> <p>2 about a number of things.</p> <p>3 In this e-mail -- first off, who is</p> <p>4 Yvette Villanueva, do you know?</p> <p>5 A She is Vice President for Human</p> <p>6 Resources. I don't know that that's her exact</p> <p>7 title, but for the system.</p> <p>8 Q For the system, and you are talking about</p> <p>9 H and H?</p> <p>10 A Yes.</p> <p>11 Q Okay. And then she has Mr. Jain on this,</p> <p>12 my next point, because I am assuming he started</p> <p>13 working in April of 2018; is that right?</p> <p>14 A I don't recall. But yes, Dr. Jain was</p> <p>15 there.</p> <p>16 Q And then you have Mr. Wangel?</p> <p>17 A Correct.</p> <p>18 Q Dr. Ford?</p> <p>19 A Yes.</p> <p>20 Q And yourself?</p> <p>21 A Yes.</p> <p>22 Q And here you are on this reasonable</p> <p>23 accommodations request.</p> <p>24 Now, earlier, you said she hadn't made</p> <p>25 the -- you weren't sure if they made the request; is</p>

<p style="text-align: right;">Page 290</p> <p>1 Patricia Yang</p> <p>2 that right?</p> <p>3 A No. I knew that she made the request.</p> <p>4 Not to me directly.</p> <p>5 Q But you are here on this.</p> <p>6 A Yes, but it is not being made to me.</p> <p>7 Q That's what you determined, but you are</p> <p>8 on notice. Okay.</p> <p>9 So now, in this e-mail, the second</p> <p>10 paragraph -- it is not necessarily indented, but it</p> <p>11 goes on to say, "I have worked an</p> <p>12 eight-and-a-half-hour shift from nine a.m. to</p> <p>13 5:30 p.m. With a thirty-minute unpaid lunch for over</p> <p>14 thirteen years, per an agreement between HHC and</p> <p>15 Doctor's Council."</p> <p>16 Now, Doctor's Council is the name of the</p> <p>17 union that Dr. Kaye is a part of; is that right?</p> <p>18 A Right.</p> <p>19 Q Now, you just testified pretty adamantly</p> <p>20 that the reason why she couldn't have the thirty</p> <p>21 minute unpaid lunch is because it was violating the</p> <p>22 collective bargaining agreement; am I right?</p> <p>23 A That's correct.</p> <p>24 Q So how is it that she was doing it for</p> <p>25 thirteen years? And she referencing an agreement.</p>	<p style="text-align: right;">Page 292</p> <p>1 Patricia Yang</p> <p>2 obviously addressed it to Yvette, and I know there</p> <p>3 was conversation with Doctor's Council that had</p> <p>4 Kevin Collins, who was aware of this also.</p> <p>5 Q And is Kevin Collins part of Doctor's</p> <p>6 Council?</p> <p>7 A Yes.</p> <p>8 Q Did Doctor's Council ever tell you in</p> <p>9 writing or anyone else or in any other way that</p> <p>10 there was no thirteen-year agreement between them to</p> <p>11 allow her to work this thirty-minute lunch?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 You can answer.</p> <p>14 A There was no direct communication from</p> <p>15 counsel as to whether there was or was not.</p> <p>16 Q So the only basis you have for making</p> <p>17 this determination is from your staff. That's what</p> <p>18 they told you, right?</p> <p>19 A No. That was after consultation with</p> <p>20 Doctor's Council and central office.</p> <p>21 Q They told you that they conferred with</p> <p>22 Doctor's Council; is that right?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 291</p> <p>1 Patricia Yang</p> <p>2 Why is it all of a sudden different now that your</p> <p>3 staff has looked into it?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A She is stating that there was an</p> <p>6 agreement. There did not appear to be an agreement.</p> <p>7 Q How do you say there wasn't an agreement?</p> <p>8 A Doctor's Council, Health and Hospitals,</p> <p>9 and CHS all looked, and the agreement is that she</p> <p>10 needs to take an hour lunch.</p> <p>11 Q Did anyone from Doctor's Council e-mail</p> <p>12 your staff, i.e. Nate Santa Maria or anyone else</p> <p>13 from Doctor's Council, e-mail your staff and say</p> <p>14 there was no agreement for the last thirteen years?</p> <p>15 A I don't know who Nate Santa Maria is.</p> <p>16 Q Did anyone from Doctor's Council, to your</p> <p>17 knowledge, e-mail your staff and tell them that</p> <p>18 there was no such agreement?</p> <p>19 A I don't know.</p> <p>20 Q How do you know if there was an agreement</p> <p>21 or not? Did anyone tell you that there was no</p> <p>22 agreement, outside of your staff?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A This was looked at by the system. She</p>	<p style="text-align: right;">Page 293</p> <p>1 Patricia Yang</p> <p>2 Q So you don't know for a fact if Doctor's</p> <p>3 Council told them that or not?</p> <p>4 A Correct.</p> <p>5 Q Okay. Now, Dr. Kaye says, "My previous</p> <p>6 supervisors allowed accommodations for my son's</p> <p>7 disability, and I have been more than able to</p> <p>8 perform the essential functions of my job with this</p> <p>9 schedule with no disruptions no work product."</p> <p>10 Why all of a sudden now her supervisor</p> <p>11 couldn't allow this accommodation?</p> <p>12 A I don't know the extent to which her</p> <p>13 former supervisor was aware that she wasn't in</p> <p>14 compliance with her collectively bargained --</p> <p>15 Q Her prior supervisor, prior to Mr. Jain,</p> <p>16 who was that? Do you know? Was it Dr. Ford?</p> <p>17 A No. It would have within somebody at</p> <p>18 Bellevue. Maybe Jeremy Colley, maybe somebody else.</p> <p>19 Q Jeremy Colley or Mary Anne Badaracco?</p> <p>20 A Mary Anne would have been higher than</p> <p>21 Jeremy, so I don't think that she was her</p> <p>22 supervisor.</p> <p>23 Q So it would have been Dr. Colley?</p> <p>24 A I'm not sure what the Bellevue structure</p> <p>25 was.</p>

<p style="text-align: right;">Page 294</p> <p>1 Patricia Yang</p> <p>2 Q You don't know who her former supervisor</p> <p>3 was?</p> <p>4 A No.</p> <p>5 Q Did you ever ask to find out whether or</p> <p>6 not he allowed her to work the thirty-minute lunch?</p> <p>7 A I don't know if my staff did or not, but</p> <p>8 given the fact that the clinics were so unsupported,</p> <p>9 I don't know that that would have been fruitful.</p> <p>10 Q Did you ever make a determination that</p> <p>11 the Bronx clinic was unsupported?</p> <p>12 A Again, in general, the clinics were on</p> <p>13 their own.</p> <p>14 Q Okay. Was there ever a time that the</p> <p>15 Bronx clinic was unsupported?</p> <p>16 A I didn't say unsupported.</p> <p>17 Q You didn't have any resources.</p> <p>18 A Overall, the clinics -- and the issues</p> <p>19 varied by the clinic, but they ranged from not</p> <p>20 having staff vacancies filled to not having</p> <p>21 telephones.</p> <p>22 Q Was there a time when there was a work</p> <p>23 stoppage at the clinic, at the Bronx clinic?</p> <p>24 A I'm not aware of one.</p> <p>25 Q When Dr. Kaye left, has there been</p>	<p style="text-align: right;">Page 296</p> <p>1 Patricia Yang</p> <p>2 Q And what did you think?</p> <p>3 A I accepted it. It wasn't for me to -- I</p> <p>4 think she actually sent it to Dr. Katz.</p> <p>5 Q Did you attempt to speak to Dr. Kaye</p> <p>6 about her letter?</p> <p>7 A No.</p> <p>8 Q Why not?</p> <p>9 A I don't speak to people who are leaving</p> <p>10 or coming. I am too far removed, except for people</p> <p>11 directly reporting to me, to interview them or exit</p> <p>12 interview them.</p> <p>13 Q You were pretty animated about Dr. Ford.</p> <p>14 You said she was a great --</p> <p>15 A Yes.</p> <p>16 Q How would you describe Dr. Kaye?</p> <p>17 A I don't know her.</p> <p>18 Q So --</p> <p>19 A I can't opine on her skills or anything.</p> <p>20 I am not as familiar with her as I am with</p> <p>21 Elizabeth.</p> <p>22 Q Well, Dr. Ford wasn't your direct report.</p> <p>23 There was Dr. MacDonald in between the two of you.</p> <p>24 How are you so familiar with Dr. Ford?</p> <p>25 A Because she part of my leadership group.</p>
<p style="text-align: right;">Page 295</p> <p>1 Patricia Yang</p> <p>2 someone to replace Dr. Kaye since she left?</p> <p>3 A Recruitment is ongoing.</p> <p>4 Q Are there directors at the clinic right</p> <p>5 now?</p> <p>6 A Yes, because Dr. Jain is sort of stepping</p> <p>7 in.</p> <p>8 Q And who is the second evaluator, if</p> <p>9 Dr. Jain is stepping in?</p> <p>10 A I don't know what is going on right now.</p> <p>11 Q Are evaluations being done at the clinic</p> <p>12 right now?</p> <p>13 A I believe they are. It is Dr. Jain who</p> <p>14 is making those arrangements and cross coverage.</p> <p>15 Q Is there backlog at the Bronx clinic?</p> <p>16 A I am not -- not that's been brought to my</p> <p>17 attention.</p> <p>18 Q So there is been no backlog, as far as</p> <p>19 you know, or has been within the last year at the</p> <p>20 Bronx clinic?</p> <p>21 A I can't recall somebody raising that to</p> <p>22 me.</p> <p>23 Q Do you know the circumstances in which</p> <p>24 Dr. Kaye left H and H?</p> <p>25 A I saw her letter of resignation.</p>	<p style="text-align: right;">Page 297</p> <p>1 Patricia Yang</p> <p>2 Q Who is in your leadership group?</p> <p>3 A My direct reports and their direct</p> <p>4 reports.</p> <p>5 Q But no one beneath them; is that what you</p> <p>6 are testifying?</p> <p>7 A Generally, not. It gets to be a really</p> <p>8 large group. Everybody wants to join, so we have</p> <p>9 tried to, without hurting too many egos and</p> <p>10 feelings, limit it to people who directly report to</p> <p>11 me and their direct reports. Other people can come</p> <p>12 in for presentations or issues.</p> <p>13 Q Okay. Now, Dr. Kaye alleges there were a</p> <p>14 number of retaliatory measures taken against her</p> <p>15 after she complained about various things in her</p> <p>16 Complaint. At one point, she complained about being</p> <p>17 compensated in less than full-time rate. Are you</p> <p>18 aware of that?</p> <p>19 A I am aware that there was confusion</p> <p>20 because she didn't have leave left or something like</p> <p>21 that, so that when she took a day off, the way the</p> <p>22 payroll system is set up -- and I am getting into</p> <p>23 areas that I am not close enough to -- that there</p> <p>24 would be a pay -- it would be a day docked until</p> <p>25 there was a vacation day brought back in that she</p>

75 (Pages 294 - 297)

<p style="text-align: right;">Page 298</p> <p>1 Patricia Yang</p> <p>2 earned. Something like that.</p> <p>3 Q I think you are somewhat conflating the</p> <p>4 issue. At one point, Dr. Kaye was compensated as a</p> <p>5 part-time employee versus a full-time employee. Do</p> <p>6 you recall e-mails to that effect?</p> <p>7 A No.</p> <p>8 Q You used an abbreviation earlier today,</p> <p>9 FTE.</p> <p>10 A FTE. Okay.</p> <p>11 Q And sometimes people are FTE 1.0, and</p> <p>12 then you have .67; is that right?</p> <p>13 A You could have anything short of a 1.0.</p> <p>14 Q At one point, it was determined that</p> <p>15 Dr. Kaye was a -- I guess sixty-seven hundredths of</p> <p>16 an employee versus is 1.0 employee. Do you recall</p> <p>17 anything to that effect?</p> <p>18 A Not really.</p> <p>19 Q Did you ever get exasperated with a</p> <p>20 flurry of e-mails trying to resolve her pay</p> <p>21 compensation?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 A I don't get exasperated with e-mails. I</p> <p>24 get eager to resolve issues.</p> <p>25 Q You said you were losing sleep at some</p>	<p style="text-align: right;">Page 300</p> <p>1 Patricia Yang</p> <p>2 flipped around. They are out of order. So</p> <p>3 that's 13.</p> <p>4 MS. HAGAN: 13 should be 616 to 620.</p> <p>5 MS. CANFIELD: Right.</p> <p>6 MS. HAGAN: So when you have had an</p> <p>7 opportunity look at all of them, even though</p> <p>8 it is -- I'm sorry it is hard to read, but</p> <p>9 this is what we have -- please let me know.</p> <p>10 (Whereupon, a discussion was held off the</p> <p>11 record.)</p> <p>12 Q Okay. Now, it appears that this e-mail</p> <p>13 is dated -- it consists of a chain of e-mails from</p> <p>14 September 26 to September 27, 2018. Is that right?</p> <p>15 A That's what the dates are.</p> <p>16 Q Do you recall seeing this exchange with</p> <p>17 the subject "Total Work Hours"?</p> <p>18 A I don't recall, but, you know, this is</p> <p>19 the kind of -- yeah. I mean, it is not the kind of</p> <p>20 thing I would retain a memory about.</p> <p>21 Q Right. Now, it says -- you are talking</p> <p>22 about the retention and we were talking about her</p> <p>23 being compensated less than at a whole employee,</p> <p>24 right?</p> <p>25 We were talking about the FTE, and you</p>
<p style="text-align: right;">Page 299</p> <p>1 Patricia Yang</p> <p>2 point. It was one e-mail exchange, right?</p> <p>3 A Right.</p> <p>4 Q And it wasn't necessarily just Dr. Kaye,</p> <p>5 but any number of things, right?</p> <p>6 A I lose sleep over a lot of things.</p> <p>7 Q Right.</p> <p>8 A I still do.</p> <p>9 Q There are a number of -- and I am going</p> <p>10 to show you what is marked as Plaintiff's Exhibit --</p> <p>11 this will be Exhibit 13.</p> <p>12 (A six-page e-mail chain, Bates stamped</p> <p>13 NYC 000616 through NYC 000620, was received</p> <p>14 and marked Plaintiff's Exhibit 13 for</p> <p>15 identification at this time.)</p> <p>16 (Whereupon, a discussion was held off</p> <p>17 the record, and a short recess was taken at</p> <p>18 this time.)</p> <p>19 Q Now you have Exhibit 13, right?</p> <p>20 A Yes.</p> <p>21 Q What is the Bates number at the bottom of</p> <p>22 the page?</p> <p>23 A What's a Bates number?</p> <p>24 Q Is it 616?</p> <p>25 MS. CANFIELD: 616 to 620. They are</p>	<p style="text-align: right;">Page 301</p> <p>1 Patricia Yang</p> <p>2 said that there could have been any number of</p> <p>3 percentages, right?</p> <p>4 At the bottom of 616, it says Dr. Kaye --</p> <p>5 The first page, at the bottom, 616.</p> <p>6 A Yes.</p> <p>7 Q The last line.</p> <p>8 A Yes.</p> <p>9 Q "FTE status." Full-time employment</p> <p>10 status, is that what that stands for?</p> <p>11 A Yes.</p> <p>12 Q And then it says, "Retention amount," and</p> <p>13 it says, "Dr. Kaye, .67 at 13,400," right?</p> <p>14 A Yes.</p> <p>15 Q Now, earlier, you said that the reason</p> <p>16 why she was being paid differently is because she</p> <p>17 had leave issues. And at that time --</p> <p>18 A I was answering a different question.</p> <p>19 Q I was asking about this particular</p> <p>20 incident.</p> <p>21 A Got it.</p> <p>22 Q Now, this happened to be a month after</p> <p>23 she filed her EEOC charge. Are you aware of that?</p> <p>24 A No.</p> <p>25 Q So in September of 2018, she is being</p>

<p style="text-align: right;">Page 302</p> <p>1 Patricia Yang</p> <p>2 compensated less than a full-time employee. Now, a</p> <p>3 series of e-mails were, I guess, exchanged about</p> <p>4 this. Do you recall?</p> <p>5 A I'm sorry. What was the question?</p> <p>6 Q Do you recall Dr. Kaye complaining about</p> <p>7 not being compensated or getting her full retention?</p> <p>8 A I don't know. It is not something that</p> <p>9 would have stuck with me since I had made the</p> <p>10 decision to delay moving the clinics specifically so</p> <p>11 she could get her retention.</p> <p>12 Q Now it is September, and she is e-mailing</p> <p>13 not Bellevue, but she is e-mailing a bunch of people</p> <p>14 over in H and H.</p> <p>15 MS. CANFIELD: Objection. Who is she --</p> <p>16 Q Well, apparently, there has been an</p> <p>17 exchange with people who are trying to address this,</p> <p>18 and includes Mr. Wangel himself.</p> <p>19 Do you know who Diane Cianci is?</p> <p>20 C-I-A-N-C-I. Do you know who that is?</p> <p>21 A I think everyone else is central office.</p> <p>22 Q So there is central office and -- even</p> <p>23 though everyone has an HHC e-mail address?</p> <p>24 A Correct.</p> <p>25 Q So how is it that you can make a</p>	<p style="text-align: right;">Page 304</p> <p>1 Patricia Yang</p> <p>2 not a guess. I am going to -- forgive me.</p> <p>3 I believe, from the language of retention</p> <p>4 amount, she was talking about the bonus that she got</p> <p>5 at Bellevue.</p> <p>6 And so it may well have come to Jonathan</p> <p>7 because she was working for us. You are correct.</p> <p>8 But it was referred to central office to look at</p> <p>9 because it was a Bellevue matter, not ours. And</p> <p>10 some issues get so technical that it ends up being a</p> <p>11 central office matter to do all of the calculations</p> <p>12 and the breakdowns and the history.</p> <p>13 Q It appears here that there was a question</p> <p>14 as to whether or not these particular employees</p> <p>15 were, in fact, eligible for the retention bonus.</p> <p>16 Do you see that or do we need to go</p> <p>17 through the actual text of the e-mail?</p> <p>18 On the last page -- I will read it. On</p> <p>19 page 619, Angela Mullet wrote:</p> <p>20 "Good afternoon: April asked that I</p> <p>21 forward you the total number of work hours for the</p> <p>22 employees listed below. The following is based on</p> <p>23 the printout provided by payroll. Kaye" -- and I</p> <p>24 guess she has a number -- "total hours paid from</p> <p>25 July 30th, 2017 to June 30th, 2018, 1,400 hours."</p>
<p style="text-align: right;">Page 303</p> <p>1 Patricia Yang</p> <p>2 distinction between who would be considered Bellevue</p> <p>3 versus HHC, if everyone has the same e-mail address?</p> <p>4 A You know their names or you don't</p> <p>5 recognize their names.</p> <p>6 Q I mean, is there a distinction between</p> <p>7 Bellevue employees and CHS employees in terms of the</p> <p>8 H and H system, in general?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 You can answer.</p> <p>11 A In what sense?</p> <p>12 Q Aren't you all covered by the same H and</p> <p>13 H umbrella? Aren't they all H and H employees?</p> <p>14 A Yes.</p> <p>15 Q So why would it be different, as far as,</p> <p>16 you know, who dealt with this particular full-time</p> <p>17 employment status?</p> <p>18 Why should there be a distinction between</p> <p>19 CHS and Bellevue at this point? She is clearly on</p> <p>20 your payroll at this point.</p> <p>21 A Yes.</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 THE WITNESS: I'm sorry.</p> <p>24 A I think -- and it is hard to read this</p> <p>25 e-mail, but I am going to take a guess at this --</p>	<p style="text-align: right;">Page 305</p> <p>1 Patricia Yang</p> <p>2 Now, you would make the argument she is</p> <p>3 all on Bellevue time at that time; is that right?</p> <p>4 A Yes.</p> <p>5 Q Right. Okay. So then there are other</p> <p>6 breakdowns here. I guess another employee by the</p> <p>7 last name of Harper, and they are still on that same</p> <p>8 calendar. Now, who is Harper? What employee has</p> <p>9 that last name that you remember?</p> <p>10 A He might have been ours.</p> <p>11 Q But he is still being counted on the same</p> <p>12 time frame as Dr. Kaye?</p> <p>13 A This does look like a question about the</p> <p>14 retention bonuses that were paid to eligible staff</p> <p>15 at Bellevue by Bellevue.</p> <p>16 Q Dr. Weiss, was he on Bellevue?</p> <p>17 A Yes.</p> <p>18 MS. CANFIELD: You are on --</p> <p>19 MS. HAGAN: 618. Page 618, yes.</p> <p>20 A If that's Jonathan Weiss, probably.</p> <p>21 Q Because here, from Matthew Campese to</p> <p>22 Angela Mullet, right? And then again, the group of</p> <p>23 people here that all work at H and H in the central</p> <p>24 office, right? Beth Owens, Wayne Myrie, Diane</p> <p>25 Cianci, and this Wendy Jolibois or whatever.</p>

<p style="text-align: right;">Page 306</p> <p>1 Patricia Yang</p> <p>2 Now, you said, "Total work hours. Thank</p> <p>3 you very much, Angela. Based on the hours provided,</p> <p>4 it would appear that the doctors FTE status during</p> <p>5 the time period is as follows."</p> <p>6 And then it lists the different doctors</p> <p>7 and their various retention amounts.</p> <p>8 Now, would this be kind of characteristic</p> <p>9 of Dr. Kaye and the types of e-mails that you would</p> <p>10 see involving her during this time period?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 A I don't know what is typical.</p> <p>13 Q You said she was difficult, right?</p> <p>14 A I didn't say she was difficult. You</p> <p>15 asked me what people thought and what I had heard</p> <p>16 about her.</p> <p>17 Q But you saw a number of her e-mails and</p> <p>18 you had wondered at some point why you were getting</p> <p>19 these e-mails; is that right?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A No. I figured she was copying me so that</p> <p>22 I paid attention.</p> <p>23 Q Did you?</p> <p>24 A Yes. I knew my staff were working on it.</p> <p>25 Q Did you make sure that she was</p>	<p style="text-align: right;">Page 308</p> <p>1 Patricia Yang</p> <p>2 this morning," after that.</p> <p>3 And then you say, "Great. Thank you,"</p> <p>4 but it is not clear whether or not it had been</p> <p>5 resolved at this point, is it?</p> <p>6 A Jonathan says a bit later this morning</p> <p>7 that it will be done, but it is done.</p> <p>8 Q You say it will be done. It doesn't say</p> <p>9 it is done.</p> <p>10 A Correct.</p> <p>11 Q Okay.</p> <p>12 A But do I have faith that people don't go</p> <p>13 through all of this work and all of this detail just</p> <p>14 to let it have to come back to their table again if</p> <p>15 they don't follow through to the end of it.</p> <p>16 Q But is it typical that, you know, the</p> <p>17 staff during this transition were having this amount</p> <p>18 of problems as enumerated here?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A I'm sorry. What was the question?</p> <p>21 Q Like did you see any types of exchanges</p> <p>22 like this with any other staff members regarding</p> <p>23 compensation? Did they bring that to your attention</p> <p>24 or was that something that just Dr. Kaye brought to</p> <p>25 your attention?</p>
<p style="text-align: right;">Page 307</p> <p>1 Patricia Yang</p> <p>2 compensated adequately or fairly, based on the</p> <p>3 amount of hours she worked?</p> <p>4 A Based on this long exchange, which is to</p> <p>5 a level of technical detail I would not even wrap my</p> <p>6 head around. But Matt Campese was the head of Labor</p> <p>7 Relations for the entire system. He and all of</p> <p>8 these people in HR's central office, all the experts</p> <p>9 in these calculations went through and flipped it</p> <p>10 over to Jonathan, who did work for me, who said,</p> <p>11 basically, that this is taken care of.</p> <p>12 And I said, "Great," because that's my</p> <p>13 role. My role is to make sure the right people are</p> <p>14 handling the issue. I don't handle the issue</p> <p>15 directly. I don't handle that level of issue.</p> <p>16 Q At some point, you do say, "Great. Thank</p> <p>17 you."</p> <p>18 A I do.</p> <p>19 Q So at some point, you do make sure the</p> <p>20 issue was handled?</p> <p>21 A Yes.</p> <p>22 Q Because here you have Miss Cianci saying,</p> <p>23 "Yes, it is dealt with."</p> <p>24 And then you have Mr. Wangel saying,</p> <p>25 "Thank you very much." And then, "Bit later than</p>	<p style="text-align: right;">Page 309</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 You can answer.</p> <p>4 A It depends on the case.</p> <p>5 Q In this instance, they are looking into</p> <p>6 it for all of these people, determining whether or</p> <p>7 not they are eligible; is that right?</p> <p>8 A I don't know what their calculations</p> <p>9 were. I guess it was just to make sure that they</p> <p>10 were all correct.</p> <p>11 Q Was Dr. Kaye the only one that was</p> <p>12 erroneous?</p> <p>13 A I don't know.</p> <p>14 Q Okay. You know that she did claim it was</p> <p>15 erroneous, that she was entitled to the full amount,</p> <p>16 and that she did not receive that?</p> <p>17 MS. CANFIELD: Objection.</p> <p>18 You can answer that.</p> <p>19 A I don't know that, but clearly something</p> <p>20 led to this.</p> <p>21 Q Now, you do then follow up or you do have</p> <p>22 some kind of exchange with Mr. Hicks about this. Do</p> <p>23 you recall that?</p> <p>24 A I have many exchanges with Mr. Hicks.</p> <p>25 Maybe you could help me with that.</p>

<p style="text-align: right;">Page 310</p> <p>1 Patricia Yang</p> <p>2 MS. HAGAN: Okay. Let's see. Let's go</p> <p>3 for Exhibit 14, and I will make a copy of</p> <p>4 that.</p> <p>5 (Whereupon, a discussion was held off</p> <p>6 the record.)</p> <p>7 (A one-page e-mail exchange, Bates</p> <p>8 stamped NYC 000596, was received and marked</p> <p>9 Plaintiff's Exhibit 14 for identification at</p> <p>10 this time.)</p> <p>11 Q Now, have you had an opportunity to look</p> <p>12 at Exhibit 14?</p> <p>13 A Yes. I am looking at it.</p> <p>14 Q Great. So Exhibit 14 is dated September</p> <p>15 26th, and it is from you to Mr. Hicks, right?</p> <p>16 A Correct.</p> <p>17 Q And at that time, you confirmed that they</p> <p>18 had what they need to resolve whatever issues that</p> <p>19 are identified, with a total number of hours worked;</p> <p>20 is that right?</p> <p>21 A That's Mr. Hicks confirming to me.</p> <p>22 MS. CANFIELD: Is this part of Exhibit</p> <p>23 Number 13?</p> <p>24 MS. HAGAN: I don't think so. Exhibit</p> <p>25 13 is 616 through 620.</p>	<p style="text-align: right;">Page 312</p> <p>1 Patricia Yang</p> <p>2 e-mail thread. You just did not bring it or</p> <p>3 print it out today.</p> <p>4 MS. HAGAN: No. I mean, I can't tell</p> <p>5 you, but I am sure this is what I thought</p> <p>6 was relevant.</p> <p>7 I mean, you have it. It is your</p> <p>8 production.</p> <p>9 MS. CANFIELD: No. Just for the</p> <p>10 purposes of the witness, if this is not a</p> <p>11 complete document, I just want to note that</p> <p>12 on the record. That's all.</p> <p>13 MS. HAGAN: Okay. Sure. I'm not sure</p> <p>14 if it is or not. I can't answer that</p> <p>15 question.</p> <p>16 MS. CANFIELD: Okay. That's fine.</p> <p>17 (Whereupon, a discussion was held off</p> <p>18 the record.)</p> <p>19 Q Now, we can move on from Exhibit 14.</p> <p>20 At any time, were there ever complaints</p> <p>21 that Dr. Kaye was reporting to Dr. Mundy? Did you</p> <p>22 ever see anything like that?</p> <p>23 A I know she was very upset because the</p> <p>24 central payroll system or -- I don't know what the</p> <p>25 system is called, but it is not CHS. It is the</p>
<p style="text-align: right;">Page 311</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: And this also doesn't</p> <p>3 seem to be a complete e-mail.</p> <p>4 MS. HAGAN: All it says is 596. I don't</p> <p>5 think it went twenty pages long, but --</p> <p>6 MS. CANFIELD: No. Exhibit 14 --</p> <p>7 MS. HAGAN: I can give you the other two</p> <p>8 pages, but they are separate. They are not</p> <p>9 the same. I am certain of that because the</p> <p>10 597 is another story. They are separate</p> <p>11 pages.</p> <p>12 There is no part one of two or -- you</p> <p>13 know, usually, it would have more pages,</p> <p>14 like it would say it has more pages to</p> <p>15 it. There is nothing like that on here.</p> <p>16 MS. CANFIELD: All right. So there is</p> <p>17 no signature line. It doesn't appear it is</p> <p>18 a complete e-mail.</p> <p>19 MS. HAGAN: Well, I mean, you can check</p> <p>20 your records. This is what I am producing</p> <p>21 today. This is what I have.</p> <p>22 So again, 596 here is between Dr. Yang</p> <p>23 and Mr. Hicks. Right?</p> <p>24 MS. CANFIELD: Okay. So there is a</p> <p>25 chance that there is a complete copy of this</p>	<p style="text-align: right;">Page 313</p> <p>1 Patricia Yang</p> <p>2 Health and Hospitals' system had incorrect</p> <p>3 supervisory structure, so that it looked -- I don't</p> <p>4 understand the system artifact enough, but it</p> <p>5 showed -- it kept thinking that Mundy was her</p> <p>6 supervisor, when he was not, and we kept asking the</p> <p>7 system to fix it.</p> <p>8 Q Okay. And did this happen to anyone</p> <p>9 else?</p> <p>10 A I don't know.</p> <p>11 Q Did anyone else --</p> <p>12 A Actually, I'm sorry. I do know. I had</p> <p>13 people reporting to me who didn't report to me.</p> <p>14 Q Did anyone else complain that Dr. Mundy</p> <p>15 was their supervisor and he wasn't?</p> <p>16 A No.</p> <p>17 Q Okay. So it was just Dr. Kaye?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 A I did not hear of any others, but I do</p> <p>20 know that there were data errors in structure,</p> <p>21 architecture errors in the system that needed to be</p> <p>22 fixed.</p> <p>23 MS. HAGAN: Okay. So I'm going to show</p> <p>24 you a another e-mail, and it is going to be</p> <p>25 Exhibit Number 15.</p>

<p style="text-align: right;">Page 314</p> <p>1 Patricia Yang</p> <p>2 (A one-page e-mail chain, Bates stamped</p> <p>3 NYC 2581, was received and marked</p> <p>4 Plaintiff's Exhibit 15 for identification at</p> <p>5 this time.)</p> <p>6 (Whereupon, a discussion was held off</p> <p>7 the record.)</p> <p>8 MS. HAGAN: Exhibit 15 is Bates stamped</p> <p>9 2581.</p> <p>10 MS. CANFIELD: Do you have another one?</p> <p>11 MS. HAGAN: No. That's it.</p> <p>12 MS. CANFIELD: Thank you.</p> <p>13 MS. HAGAN: And that is an e-mail</p> <p>14 exchange between Dr. Yang and Jessica Laboy</p> <p>15 and Jonathan Wangel.</p> <p>16 Q Now, at the bottom, it says, "Talked to</p> <p>17 Andy." Who is Andy?</p> <p>18 A Andy Cohen is the General Counsel for the</p> <p>19 system.</p> <p>20 Q For H and H?</p> <p>21 A Yes.</p> <p>22 Q You have to clear, because when you say</p> <p>23 system, what system? So for H and H.</p> <p>24 At one point wasn't the General Counsel</p> <p>25 for H and H Sal Russo?</p>	<p style="text-align: right;">Page 316</p> <p>1 Patricia Yang</p> <p>2 that the first time -- before she came over, I was</p> <p>3 aware that she wanted to stay at Bellevue. That</p> <p>4 didn't happen.</p> <p>5 She then, in late 2015, in the fall</p> <p>6 sometime maybe, put in writing -- I became aware she</p> <p>7 had requested in writing a transfer. She wanted</p> <p>8 another job. She wanted to go back to Bellevue.</p> <p>9 So I made inquiries again to Bellevue,</p> <p>10 and then solicited the help of central office also</p> <p>11 to try and find a solution that would be more in</p> <p>12 line with what Dr. Kaye wanted.</p> <p>13 Q Now, we talked about Exhibit 1. Not</p> <p>14 Exhibit 1. Exhibit 12. We were talking about --</p> <p>15 no. Exhibit 6. I'm sorry. Exhibit 6. And we</p> <p>16 talked about when the actual lawsuit was filed,</p> <p>17 which was on the second page.</p> <p>18 A Let's see.</p> <p>19 Q And it was entry one.</p> <p>20 Now, we have already established that it</p> <p>21 wasn't physically served to you at that time, but we</p> <p>22 did acknowledge that, according to the docket sheet,</p> <p>23 it had been filed -- the lawsuit had been filed on</p> <p>24 December 21st, 2018, right?</p> <p>25 A That's what this says.</p>
<p style="text-align: right;">Page 315</p> <p>1 Patricia Yang</p> <p>2 A Yes.</p> <p>3 Q When was that? When did he stop being</p> <p>4 the General Counsel?</p> <p>5 A I don't recall.</p> <p>6 Q Okay. When did Andy Cohen stop being the</p> <p>7 General Counsel?</p> <p>8 MS. GREENFIELD: Did you say stop or</p> <p>9 start?</p> <p>10 MS. HAGAN: Well, start, because now it</p> <p>11 is someone else.</p> <p>12 MS. GREENFIELD: No.</p> <p>13 MS. HAGAN: Andy currently is --</p> <p>14 MS. GREENFIELD: She. Yes.</p> <p>15 MS. HAGAN: Okay. I'm sorry. I thought</p> <p>16 Andy was a he.</p> <p>17 Q You said you talked to Andy to push</p> <p>18 Blanche to move Dr. Kaye back to Bellevue, right?</p> <p>19 A Correct.</p> <p>20 Q Now, why were you doing that?</p> <p>21 A Not because Miss Greenfield was</p> <p>22 unresponsive, but because I knew that Dr. Kaye -- I</p> <p>23 believe this is after she actually put in writing to</p> <p>24 somebody, one of my staff somewhere, either Dr. Jain</p> <p>25 or Dr. Ford, somebody -- it came to my attention</p>	<p style="text-align: right;">Page 317</p> <p>1 Patricia Yang</p> <p>2 Q Right. And here you have this e-mail</p> <p>3 exchange between yourself, Miss Laboy, Miss Yang --</p> <p>4 not Miss Yang. I'm sorry. Mr. Wangel. And you are</p> <p>5 trying to get Dr. Kaye back.</p> <p>6 This is less than a little over a month.</p> <p>7 Is that right?</p> <p>8 A In response to her request in late 2018</p> <p>9 to go back.</p> <p>10 Q Where did you see a request from Dr. Kaye</p> <p>11 requesting to go back to Bellevue around the time</p> <p>12 she filed her lawsuit?</p> <p>13 A So I didn't say it is around the time she</p> <p>14 filed the lawsuit, but it was late 2018. I don't</p> <p>15 have it, but I recall seeing it.</p> <p>16 Q So you are saying, even at this late</p> <p>17 point, Dr. Kaye believed she had a chance to go back</p> <p>18 to Bellevue?</p> <p>19 A Yeah. So Exhibit 7 actually says at one</p> <p>20 point that Jonathan Wangel did have -- there is a</p> <p>21 recent e-mail to Bellevue seeking to return.</p> <p>22 Q Where is that?</p> <p>23 A Exhibit 7. I don't have a Bates stamp.</p> <p>24 Q Would it be the second --</p> <p>25 A The first page, at the top, January 11,</p>

<p style="text-align: right;">Page 318</p> <p>1 Patricia Yang</p> <p>2 8:34 p.m., Jonathan Wangel.</p> <p>3 Q Okay. Can I see your Exhibit 11, just</p> <p>4 for purposes of --</p> <p>5 MS. CANFIELD: Exhibit 7.</p> <p>6 Q Exhibit 7. Let me see your 7.</p> <p>7 MS. GREENFIELD: Hopefully we all have</p> <p>8 the same exhibit.</p> <p>9 MS. HAGAN: We did have the same</p> <p>10 exhibit, but I don't see the same thing.</p> <p>11 Q Where is it that you see that she sent a</p> <p>12 recent e-mail asking to go to Bellevue?</p> <p>13 A That he found a recent e-mail. There is</p> <p>14 a recent e-mail, right there, this line</p> <p>15 (indicating).</p> <p>16 Q See below?</p> <p>17 A "I will have more detail Monday. I took</p> <p>18 a quick look, and there is a recent e-mail" -- okay.</p> <p>19 Are you referring to his effort to</p> <p>20 monitor Dr. Kaye's usage of e-mail.</p> <p>21 A No.</p> <p>22 Q Well, which e-mail is he referencing?</p> <p>23 A Here it is (indicating).</p> <p>24 Q We could go further down. On the next</p> <p>25 page -- turn to the next page.</p>	<p style="text-align: right;">Page 320</p> <p>1 Patricia Yang</p> <p>2 A So that was the other -- that was the</p> <p>3 unrelated issue. I mistook this for referencing an</p> <p>4 e-mail where Dr. Kaye asked for a transfer back. I</p> <p>5 don't see it here.</p> <p>6 MS. CANFIELD: I believe we produced</p> <p>7 that e-mail in discovery.</p> <p>8 MS. HAGAN: What are you talking about?</p> <p>9 MS. CANFIELD: The e-mail where she was</p> <p>10 e-mailing Bellevue requesting to go back.</p> <p>11 MS. HAGAN: But you don't -- it is not</p> <p>12 here.</p> <p>13 MS. CANFIELD: You didn't bring it to</p> <p>14 the deposition, but we produced it.</p> <p>15 MS. HAGAN: I mean, Dr. Kaye asked to be</p> <p>16 brought back to Bellevue on any number of</p> <p>17 occasions.</p> <p>18 MS. CANFIELD: Yes.</p> <p>19 MS. HAGAN: But we don't necessarily</p> <p>20 know which one and whether or not she</p> <p>21 actually shared that interest with them.</p> <p>22 If, in fact, her e-mail box was</p> <p>23 monitored, it wasn't something that Dr. Kaye</p> <p>24 necessarily conveyed to management. She may</p> <p>25 have been e-mailing back and forth to</p>
<p style="text-align: right;">Page 319</p> <p>1 Patricia Yang</p> <p>2 A I know that --</p> <p>3 Q It says, "Jonathan: You know the drill.</p> <p>4 I need the date range and search terms, and appeared</p> <p>5 I will set up Clearwell."</p> <p>6 To your understanding, at that time, he</p> <p>7 is look at Dr. Kaye's e-mail at that point using</p> <p>8 Clearwell?</p> <p>9 A I don't know if Clearwell is the system,</p> <p>10 but --</p> <p>11 Q We can go to the next page. That will</p> <p>12 make it even easier.</p> <p>13 A Yes. Thank you.</p> <p>14 Q At the bottom, Jeffrey Herrera.</p> <p>15 It says: "Hi, Jeff" -- I am not even</p> <p>16 sure why it would say "Hi, Jeff," because it is from</p> <p>17 Jeff.</p> <p>18 "Jessica Laboy is requesting that</p> <p>19 Jonathan Wangel be provided access to the mailbox of</p> <p>20 active employee Melissa Kaye. Not sure if you need</p> <p>21 search terms or date ranges. Copying Jonathan, in</p> <p>22 case he needs to provide you further detail."</p> <p>23 That's on January 11, right?</p> <p>24 A Right.</p> <p>25 Q Clearly, he is looking at her e-mails.</p>	<p style="text-align: right;">Page 321</p> <p>1 Patricia Yang</p> <p>2 Bellevue on her own.</p> <p>3 MS. CANFIELD: Correct.</p> <p>4 MS. HAGAN: Right. Okay.</p> <p>5 Q At that time, Dr. Kaye didn't know that</p> <p>6 her e-mail was being monitored, to your</p> <p>7 understanding; am I right?</p> <p>8 A Probably not.</p> <p>9 Q Right.</p> <p>10 A And it is not monitoring on an ongoing</p> <p>11 basis. It is a date range that they have to give.</p> <p>12 And the Jeff to Jeff is because they are</p> <p>13 both Jeffs.</p> <p>14 Q There is more than one Jeff?</p> <p>15 A Yes. There is Jeff Lutz in central IT,</p> <p>16 and Jeff Herrera, who is in Correctional Health.</p> <p>17 Q I see that here. Yes. Right. I'm</p> <p>18 sorry. That's helpful.</p> <p>19 Now, earlier, you said that you weren't</p> <p>20 sure when you became aware of Dr. Kaye's lawsuit,</p> <p>21 right?</p> <p>22 A Correct.</p> <p>23 MS. HAGAN: Now, what I will do is I</p> <p>24 will make a copy of this document before I</p> <p>25 actually start talking about it. Hold on a</p>

<p style="text-align: right;">Page 322</p> <p>1 Patricia Yang</p> <p>2 second.</p> <p>3 (Whereupon, a short recess was taken at</p> <p>4 this time.)</p> <p>5 (A one-page e-mail chain, Bates stamped</p> <p>6 NYC 1114, was received and marked</p> <p>7 Plaintiff's Exhibit 16 for identification at</p> <p>8 this time.)</p> <p>9 MS. HAGAN: Now, we went over -- we are</p> <p>10 at Exhibit 16. So the last exhibit we had</p> <p>11 was January 29th.</p> <p>12 MS. CANFIELD: Right.</p> <p>13 MS. HAGAN: And that's Exhibit 15.</p> <p>14 Q And so we were talking about everyone</p> <p>15 working together to get Dr. Kaye back at Bellevue,</p> <p>16 right?</p> <p>17 A Correct.</p> <p>18 MS. CANFIELD: Yes.</p> <p>19 MS. HAGAN: So I am going to show you</p> <p>20 what is marked as Exhibit 16. When are you</p> <p>21 done, let me know.</p> <p>22 MS. CANFIELD: What is the Bates number?</p> <p>23 MS. HAGAN: This is Bates number NYC</p> <p>24 1114.</p> <p>25 (Whereupon, a discussion was held off</p>	<p style="text-align: right;">Page 324</p> <p>1 Patricia Yang</p> <p>2 Q Again, there was no movement or any</p> <p>3 attempt to accommodate Dr. Kaye at this point; am I</p> <p>4 right?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 A I think this was being handled, as</p> <p>7 Jonathan says up here, as an FMLA request.</p> <p>8 Q How are FMLA requests handled?</p> <p>9 A They are also sent to central office, the</p> <p>10 system, Health and Hospitals Corporation.</p> <p>11 Q Who is in central office?</p> <p>12 MS. CANFIELD: Objection.</p> <p>13 You can answer.</p> <p>14 A I don't know who Jonathan would deal</p> <p>15 with.</p> <p>16 Q But you don't know -- I mean, you are</p> <p>17 trained in this. You have no idea who it would be?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 A I am trained at a different level. I am</p> <p>21 thankfully spared from the details in handling these</p> <p>22 cases. My staff do that.</p> <p>23 Q So you are saying that you don't know who</p> <p>24 the ultimate person would be to handle a FMLA</p> <p>25 request?</p>
<p style="text-align: right;">Page 323</p> <p>1 Patricia Yang</p> <p>2 the record.)</p> <p>3 Q Now, do you recognize this e-mail, by any</p> <p>4 chance?</p> <p>5 A It looks familiar, I guess.</p> <p>6 Q Earlier, you said that the FMLA -- you</p> <p>7 were not familiar with or knew what was going on</p> <p>8 with Dr. Kaye and her request for FMLA, right?</p> <p>9 A No. I said I was aware vaguely of an</p> <p>10 FMLA request.</p> <p>11 Q Right. At any point, did you insist upon</p> <p>12 any intervention?</p> <p>13 Here is Doctor's Council, I guess</p> <p>14 Mr. Collins that you were referring to earlier,</p> <p>15 right?</p> <p>16 A Correct.</p> <p>17 Q And your recollection was that it was</p> <p>18 resolved that she was denied FMLA; is that right?</p> <p>19 A I don't remember. I don't think I said</p> <p>20 that.</p> <p>21 Q Was she denied FMLA, to your knowledge?</p> <p>22 A I don't remember. I don't know.</p> <p>23 Q But clearly, there was still issues with</p> <p>24 the shift restoration. She is still asking for it?</p> <p>25 A That's what it says in this e-mail.</p>	<p style="text-align: right;">Page 325</p> <p>1 Patricia Yang</p> <p>2 A Central.</p> <p>3 MS. CANFIELD: Objection.</p> <p>4 A Probably Human Resources.</p> <p>5 Q And you are saying that you are trained</p> <p>6 at such a level that you would be spared knowing who</p> <p>7 that person is?</p> <p>8 A I am not trained to actually process the</p> <p>9 cases and handle the inquires.</p> <p>10 Q But there is somebody who has final</p> <p>11 authority on FMLA requests, and you don't know that,</p> <p>12 right?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 You can answer.</p> <p>15 A I know it is not us.</p> <p>16 Q But you don't know who it is in central</p> <p>17 office either?</p> <p>18 A It is somewhere in that shop, between</p> <p>19 Yvette and -- they review it.</p> <p>20 Q But you don't know who it is?</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 A Correct.</p> <p>23 Q Okay. Now, I am going to show you what</p> <p>24 is marked as Plaintiff's Exhibit 17.</p> <p>25 (Whereupon, a discussion was held off the</p>

<p style="text-align: right;">Page 326</p> <p>1 Patricia Yang</p> <p>2 record.)</p> <p>3 (A one-page e-mail, Bates stamped NYC</p> <p>4 001187, was received and marked Plaintiff's</p> <p>5 Exhibit 17 for identification at this time.)</p> <p>6 Q This is Bates stamped 1187, and again,</p> <p>7 this is a question as to any update on Melissa Kaye</p> <p>8 going back to Bellevue, as she requested, right?</p> <p>9 A Yes.</p> <p>10 Q Now, clearly -- do you want Dr. Kaye to</p> <p>11 go back at this point, or is it something she is</p> <p>12 requesting solely?</p> <p>13 A My understanding is that it is what she</p> <p>14 requested. My strong desire with Dr. Kaye was to</p> <p>15 address her issues and make her happier.</p> <p>16 MS. HAGAN: I don't have enough copies</p> <p>17 of 18, but I am going to hope that you can</p> <p>18 bear with me.</p> <p>19 Exhibit 18 is another e-mail, dated</p> <p>20 February 11, 2019. I have one. Okay.</p> <p>21 (A one-page e-mail, Bates stamped NYC</p> <p>22 001247, was received and marked Plaintiff's</p> <p>23 Exhibit 18 for identification at this time.)</p> <p>24 Q In this e-mail, you say, "Can we please</p> <p>25 get Bellevue to take back Melissa Kaye? She asked</p>	<p style="text-align: right;">Page 328</p> <p>1 Patricia Yang</p> <p>2 A That's what the e-mails say.</p> <p>3 Q Earlier, you said that Mr. Hicks -- that</p> <p>4 no one over in Bellevue wanted to work with</p> <p>5 Dr. Kaye; am I right?</p> <p>6 A No. What I said was that Bellevue</p> <p>7 repeatedly said they did not have a position for</p> <p>8 her.</p> <p>9 Q But here you are continuing to ask --</p> <p>10 this is between -- it seems like you are doing it</p> <p>11 almost once a week, asking when are they going to</p> <p>12 take Dr. Kaye. Is that right?</p> <p>13 MS. CANFIELD: Objection.</p> <p>14 A That's how I operate, yes.</p> <p>15 Q Why are you so insistent? I mean, there</p> <p>16 doesn't seem like there has been an effort to hire</p> <p>17 someone to replace her at the Bronx clinic; am I</p> <p>18 right?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A Those two are unrelated.</p> <p>21 Q If no one is at the Bronx clinic, if</p> <p>22 Dr. Kaye leaves -- like right now, you said you are</p> <p>23 in the process of hiring someone for Dr. Kaye,</p> <p>24 right?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 327</p> <p>1 Patricia Yang</p> <p>2 to be transferred back in November." Right?</p> <p>3 A That's what the e-mail says.</p> <p>4 Q Do you know who she asked to be</p> <p>5 transferred back?</p> <p>6 A I don't.</p> <p>7 Q Okay. So you are just referencing -- you</p> <p>8 are not sure what you are referencing. You don't</p> <p>9 know how or when?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 A It was brought to my attention that she</p> <p>12 had requested to go back to Bellevue again.</p> <p>13 Q Now, you have asked at least four times</p> <p>14 between 16, 17, and 18, right?</p> <p>15 A I thought it was 2015.</p> <p>16 Q Exhibits.</p> <p>17 A Oh, exhibits. Okay.</p> <p>18 Q Exhibit 15, 16, 17, and 18, right?</p> <p>19 We are looking at from January 22nd --</p> <p>20 well, really, actually -- yeah. January 22nd to</p> <p>21 February 11th. There are three --</p> <p>22 It seems once a week, with the exception</p> <p>23 of you maybe skipped a week in February, you have</p> <p>24 asked whether Dr. Kaye is going to go back to</p> <p>25 Bellevue. Am I right?</p>	<p style="text-align: right;">Page 329</p> <p>1 Patricia Yang</p> <p>2 Q Now, if there is, I guess, a movement of</p> <p>3 the staff, should there have been a stoppage of</p> <p>4 people being seen at the clinic?</p> <p>5 MS. CANFIELD: Objection.</p> <p>6 You can answer.</p> <p>7 A No. The first -- the first effort would</p> <p>8 have been to get staff over to those clinics to see</p> <p>9 those cases.</p> <p>10 Q Well, it is Dr. Kaye's assertion that a</p> <p>11 moratorium was called on exams at the Bronx clinic</p> <p>12 after Dr. Brayton left. Are you aware of that</p> <p>13 moratorium?</p> <p>14 A No.</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 Q So you are not aware that there were no</p> <p>17 defendants seen at the Bronx clinic from November</p> <p>18 until Dr. Kaye left?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 You can answer.</p> <p>21 A I was not aware.</p> <p>22 Q How could you not know if there were no</p> <p>23 people coming to the Bronx clinic to be seen?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A That's a very good question.</p>

<p style="text-align: right;">Page 330</p> <p>1 Patricia Yang</p> <p>2 Q Who should have told you, if there were</p> <p>3 people not being seen at the Bronx clinic?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 It assumes facts that are not</p> <p>6 established.</p> <p>7 THE WITNESS: Right.</p> <p>8 Q If there were no one being seen at the</p> <p>9 Bronx clinic, who should have told you?</p> <p>10 MS. CANFIELD: Objection.</p> <p>11 A If that were the case, I would have</p> <p>12 expected Bhish, Dr. Jain, or Dr. Ford, or</p> <p>13 Dr. MacDonald to let me know that.</p> <p>14 Q We did Dr. Ford resign, do you know?</p> <p>15 A I do. February 14th, Valentine's Day.</p> <p>16 Q Was that the effective day of resignation</p> <p>17 or did she send a letter of resignation before then?</p> <p>18 A Oh, she resigned -- I mean, she sent a</p> <p>19 letter notifying us of her intention to resign.</p> <p>20 Q Was she told she couldn't come back that</p> <p>21 day or she gave two-weeks notice?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 A I think she gave more than two-weeks</p> <p>24 notice.</p> <p>25 Q So they she was able to give her letter</p>	<p style="text-align: right;">Page 332</p> <p>1 Patricia Yang</p> <p>2 would warrant that type of reaction?</p> <p>3 A I was not involved in the discussions of</p> <p>4 that detail.</p> <p>5 Q Dr. Kaye worked there for twenty years,</p> <p>6 and she gives her letter of resignation, and she is</p> <p>7 not given an opportunity to even pack her things.</p> <p>8 She had to take whatever she can that night, or</p> <p>9 else.</p> <p>10 A I don't recall --</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer.</p> <p>13 A I don't recall the exact details of it,</p> <p>14 but I believe that arrangements were made for her to</p> <p>15 come and get her things, and when the clinic opened</p> <p>16 on that day, it was discovered she had already taken</p> <p>17 all of her things and gone.</p> <p>18 Q Dr. Kaye alleges that she was not allowed</p> <p>19 to come back. Once she left -- once she gave her</p> <p>20 letter of resignation, she alleges she was not</p> <p>21 allowed to come back.</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 You can answer.</p> <p>24 A I am not the one closest to it, but my</p> <p>25 recollection is that the next day, when she was --</p>
<p style="text-align: right;">Page 331</p> <p>1 Patricia Yang</p> <p>2 of resignation and still continue to come to work;</p> <p>3 is that right?</p> <p>4 A Yes.</p> <p>5 Q Now, what would be the circumstances</p> <p>6 where a person would give a letter of resignation</p> <p>7 and not be allowed to come back to work?</p> <p>8 A That's a determination made by labor.</p> <p>9 Q Who is Labor?</p> <p>10 A Our Labor Relations, in consultation with</p> <p>11 the Health and Hospitals.</p> <p>12 Q Who is that? Who are those people?</p> <p>13 A That would have been Samantha Kent, who</p> <p>14 worked for Jessica Laboy at that point in time, with</p> <p>15 Jonathan Wangel.</p> <p>16 Q Now, Dr. Kaye alleges that, when she gave</p> <p>17 her letter of resignation, she was not allowed to</p> <p>18 come back on the premises.</p> <p>19 Would you be aware of any reason why she</p> <p>20 would be banned from the premises?</p> <p>21 MS. CANFIELD: Objection.</p> <p>22 You can answer.</p> <p>23 A I would not go into those details.</p> <p>24 Q No. I mean, not you wouldn't go -- do</p> <p>25 you know for a fact there is something she did that</p>	<p style="text-align: right;">Page 333</p> <p>1 Patricia Yang</p> <p>2 we were expecting her in clinic, the people who went</p> <p>3 to clinic said that everything was gone.</p> <p>4 Q You are saying that you were expecting</p> <p>5 Dr. Kaye to come back after she gave her letter of</p> <p>6 resignation?</p> <p>7 A I am pretty sure that that was what was</p> <p>8 going to happen.</p> <p>9 Q So you are under the impression she was</p> <p>10 going to be able to work the full two weeks until</p> <p>11 her last day?</p> <p>12 A No. There was -- there was discussion</p> <p>13 about accommodating whether she wanted to work off</p> <p>14 site, whether we would just pay her so she could be</p> <p>15 home, but we did make arrangements to get boxes for</p> <p>16 her and everything, and everything was gone. It was</p> <p>17 packed up.</p> <p>18 Q Now, again, I am going back to these</p> <p>19 repeated e-mails now from you. You are not</p> <p>20 delegating at this point?</p> <p>21 A Right.</p> <p>22 Q Every week, with the exception of the</p> <p>23 week of, I guess, February 4th, you were e-mailing,</p> <p>24 trying to see that someone take Dr. Kaye. Is that</p> <p>25 right?</p>

<p style="text-align: right;">Page 334</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection.</p> <p>3 A Correct.</p> <p>4 Q Have you ever been this assertive in</p> <p>5 trying to get a staff person to another site?</p> <p>6 A I am this assertive about everything.</p> <p>7 Q I am talking about this situation with a</p> <p>8 staff person who has no identified performance</p> <p>9 issues. Have you ever worked this hard to try to</p> <p>10 get them to another place?</p> <p>11 MS. CANFIELD: Objection.</p> <p>12 You can answer.</p> <p>13 A I have not experienced a senior clinician</p> <p>14 who is so unhappy with us, who expressed a desire to</p> <p>15 go back to another facility, that I didn't help.</p> <p>16 Q How do you know she was so unhappy with</p> <p>17 you? She never sent you e-mails. Someone was</p> <p>18 monitoring her e-mails. Am I right?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A No. Again, the monitoring was not</p> <p>21 ongoing. That was to answer a specific question,</p> <p>22 and it was for a period of time.</p> <p>23 Q But she hadn't conveyed to anyone outside</p> <p>24 of, I guess, the original transfer that she wanted</p> <p>25 to go to Bellevue; is that right?</p>	<p style="text-align: right;">Page 336</p> <p>1 Patricia Yang</p> <p>2 Q Okay. Now, we were talking about the</p> <p>3 shift restoration and the reasonable accommodation</p> <p>4 request again, right, at one point?</p> <p>5 And again, she is still asking in</p> <p>6 April -- as persistent as you were trying to get her</p> <p>7 to go, she was as persistent trying to get her</p> <p>8 reasonable accommodation.</p> <p>9 So on April 26, 2019, again, she is</p> <p>10 asking about shift restoration, and I am going to</p> <p>11 share the e-mail with you. This would be Exhibit</p> <p>12 Number 19.</p> <p>13 (A two-page e-mail chain, Bates stamped</p> <p>14 NYC 001478 through 001479, was received and</p> <p>15 marked Plaintiff's Exhibit 19 for</p> <p>16 identification at this time.)</p> <p>17 (Whereupon, a discussion was held off</p> <p>18 the record.)</p> <p>19 Q Now, are you aware of this, I guess,</p> <p>20 additional attempt again to get a shift restoration</p> <p>21 via a reasonable accommodation request in April at</p> <p>22 this point?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 It doesn't appear that she is copied on</p> <p>25 these e-mails.</p>
<p style="text-align: right;">Page 335</p> <p>1 Patricia Yang</p> <p>2 MS. CANFIELD: Objection. You can</p> <p>3 answer.</p> <p>4 A I am not sure what you are talking about.</p> <p>5 Q Did she ever e-mail Mr. Wangel or</p> <p>6 Mr. Jain or Dr. Ford, for that matter, that she</p> <p>7 wanted to go back to Bellevue?</p> <p>8 A I don't know how it came to my attention,</p> <p>9 but it came to my attention that she had requested</p> <p>10 in late 2018 to go back to Bellevue.</p> <p>11 Q But the question is, do you know for a</p> <p>12 fact that she e-mailed any of these individuals that</p> <p>13 you manage and asked them specifically that she</p> <p>14 wanted to go back?</p> <p>15 MS. CANFIELD: Objection.</p> <p>16 You can answer.</p> <p>17 A I don't recall who was the addressee in</p> <p>18 an e-mail, but I do recall seeing an e-mail --</p> <p>19 Q Okay.</p> <p>20 A -- from Dr. Kaye asking to go back.</p> <p>21 Q You don't know if she made it to her --</p> <p>22 you don't know when she sent that e-mail, and you</p> <p>23 don't know who it was made out to?</p> <p>24 MS. CANFIELD: Objection.</p> <p>25 A I can't remember that, no.</p>	<p style="text-align: right;">Page 337</p> <p>1 Patricia Yang</p> <p>2 MS. HAGAN: Well, actually, the January</p> <p>3 10th e-mail, she is. Dr. Yang is.</p> <p>4 MS. CANFIELD: Right.</p> <p>5 MS. HAGAN: Then, after that, it appears</p> <p>6 that a Kevin Marrazzo, who is the EEO</p> <p>7 officer at this point, was actually copied</p> <p>8 on the e-mail.</p> <p>9 Q Now, at any point, did you interact with</p> <p>10 Mr. Marrazzo?</p> <p>11 A No.</p> <p>12 Q Why is that?</p> <p>13 A It is not my scope of -- it is not -- it</p> <p>14 is not the level of work that I engage in.</p> <p>15 Q So your level of work -- it is your</p> <p>16 representation that you are too senior to deal with</p> <p>17 the EEO officer; is that right?</p> <p>18 A No.</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 Q What are you saying then? Explain.</p> <p>21 A Unless it is necessary, and it didn't</p> <p>22 appear to be necessary, that the EEO officer, as he</p> <p>23 says here, took over the file, and he is asking for</p> <p>24 whatever other information.</p> <p>25 MS. CANFIELD: I think we are almost to</p>

<p style="text-align: right;">Page 338</p> <p>1 Patricia Yang</p> <p>2 seven hours, if not over seven hours. So I</p> <p>3 would say, just make note of a maximum ten</p> <p>4 minutes at 6:30, and then we are going to</p> <p>5 have to call the deposition.</p> <p>6 MS. HAGAN: Fair enough. Okay.</p> <p>7 Q I just want to draw your attention back</p> <p>8 to Exhibit 1.</p> <p>9 Now, at any time, did you have like an</p> <p>10 all-staff meeting where Dr. Kaye had an opportunity</p> <p>11 to, I guess, contribute or opine about changes being</p> <p>12 made at the court clinics?</p> <p>13 A I don't know.</p> <p>14 Q Have you ever told Dr. Kaye or anyone</p> <p>15 else that, if they didn't like the way things were</p> <p>16 being done, that there was the door?</p> <p>17 A No.</p> <p>18 Q So you have never used that language?</p> <p>19 A I don't think I would.</p> <p>20 Q If a staff person, for example, pointed</p> <p>21 out -- for example, you said that you saw this</p> <p>22 Complaint, right? That you read the Amended</p> <p>23 Complaint, right?</p> <p>24 A Yes.</p> <p>25 Q At one point, Dr. Kaye alleges, on page</p>	<p style="text-align: right;">Page 340</p> <p>1 Patricia Yang</p> <p>2 call for production of a copy of the</p> <p>3 notebook then.</p> <p>4 You will take that under advisement,</p> <p>5 Counsel?</p> <p>6 MS. CANFIELD: Yeah, you have to be more</p> <p>7 specific. I am sure that these are</p> <p>8 confidential notes. I don't know if it</p> <p>9 is something that we can --</p> <p>10 MS. HAGAN: They can be redacted, if</p> <p>11 necessary, but you are alleging that --</p> <p>12 Q Did you see this notebook yourself?</p> <p>13 A No.</p> <p>14 Q You are just taking Dr. Jain's word that</p> <p>15 he had --</p> <p>16 A That he retained his notes.</p> <p>17 Q -- that he retained his notes?</p> <p>18 A Yes.</p> <p>19 Q I draw your attention to paragraph 107,</p> <p>20 and in 107, Dr. Kaye alleges, in or around January,</p> <p>21 2018, she informed you that best practices regarding</p> <p>22 the use of HIPAA release forms for -- about the best</p> <p>23 practice for using HIPAA release forms.</p> <p>24 She stated that the staff should obtain</p> <p>25 and review unredacted medical records by way of</p>
<p style="text-align: right;">Page 339</p> <p>1 Patricia Yang</p> <p>2 434, paragraph 110 -- first, we will go to 110, and</p> <p>3 then we will go to 107.</p> <p>4 Now, in 110, Dr. Kaye said she informed</p> <p>5 Dr. Ford that destruction of handwritten notes would</p> <p>6 be a class E felony.</p> <p>7 Did you remember reading something like</p> <p>8 that when you read this Complaint?</p> <p>9 A Sure.</p> <p>10 Q Did you look into that, by any chance?</p> <p>11 A I did have a -- I didn't go through each</p> <p>12 point and item of these, because that wasn't what I</p> <p>13 was going to do, but --</p> <p>14 Q But a class E felony, wouldn't you think</p> <p>15 that that would be --</p> <p>16 MS. CANFIELD: Let her finish.</p> <p>17 Q A class E felony, wouldn't that be grave</p> <p>18 enough importance to look into?</p> <p>19 A So to finish my sentence --</p> <p>20 Q Sure.</p> <p>21 A I didn't go through every point of this</p> <p>22 because that didn't feel called for, but I did speak</p> <p>23 with Dr. Jain, and he did not discard his notes.</p> <p>24 They are in a notebook.</p> <p>25 MS. HAGAN: They are in a notebook. I</p>	<p style="text-align: right;">Page 341</p> <p>1 Patricia Yang</p> <p>2 court order, so they can comply with the</p> <p>3 medical-legal standards in the field of forensic</p> <p>4 psychiatry.</p> <p>5 She says that you disregarded her</p> <p>6 suggestion, and to date, that CHS continues to</p> <p>7 commit HIPAA violations at the FPECC clinics.</p> <p>8 MS. CANFIELD: Objection.</p> <p>9 I just want to note, for the record,</p> <p>10 that January 2018, Dr. Kaye was not working</p> <p>11 for Dr. Yang, nor at CHS.</p> <p>12 MS. HAGAN: Regardless of who she was</p> <p>13 working for, Dr. Kaye brought this to</p> <p>14 Dr. Yang's attention.</p> <p>15 Q Right?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 Q And she alleges --</p> <p>18 A Not that I recall.</p> <p>19 Q You don't recall that?</p> <p>20 A No.</p> <p>21 Q There is a discussion, according to Judge</p> <p>22 Torres, and you said there was a cyclone she</p> <p>23 committed -- there was an exchange we talked about</p> <p>24 earlier today where there was a dispute as to</p> <p>25 whether or not unredacted records were actually, in</p>

<p style="text-align: right;">Page 342</p> <p>1 Patricia Yang</p> <p>2 fact, required to do forensic exams.</p> <p>3 Would you agree that we discussed that</p> <p>4 earlier?</p> <p>5 A We did discuss Judge Torres and the Bronx</p> <p>6 clinic.</p> <p>7 MS. CANFIELD: Can I just show the</p> <p>8 witness Exhibit Number 9?</p> <p>9 MS. HAGAN: Right.</p> <p>10 Q Now, why would there be such pushback if</p> <p>11 someone who has been performing forensic</p> <p>12 examinations for twenty years would say that the</p> <p>13 norm would be for unredacted records.</p> <p>14 A I'm sorry. Ask the question again.</p> <p>15 Q Why would there be such pushback if</p> <p>16 Dr. Kaye, who has been performing forensic exams for</p> <p>17 twenty years, said that unredacted records were</p> <p>18 needed?</p> <p>19 MS. CANFIELD: Objection.</p> <p>20 A I can't explain that.</p> <p>21 Q Why was there pushback?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 A Because legal counsel advised us that --</p> <p>24 as here, that it was -- it was Patrick Alberts and</p> <p>25 everybody else's piece, that it was not legal to do.</p>	<p style="text-align: right;">Page 344</p> <p>1 Patricia Yang</p> <p>2 A I don't know.</p> <p>3 Q You don't know. You don't remember</p> <p>4 reading anything like an e-mail or a memo at all</p> <p>5 saying that it was -- outside of this, that perhaps</p> <p>6 made reference to a specific statute?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 She is currently looking at Exhibit 9</p> <p>9 where she received legal advice.</p> <p>10 Q Was there any statute that you know of</p> <p>11 that said it was legal for them to use redacted</p> <p>12 records?</p> <p>13 A I know that there is federal and state</p> <p>14 law, over all my decades of working here to</p> <p>15 understand HIPAA and the specific federal and state</p> <p>16 laws that prohibit release of special protected</p> <p>17 information without specific consent.</p> <p>18 Q Wouldn't that apply if the defendants</p> <p>19 were being treated and not evaluated?</p> <p>20 MS. CANFIELD: Objection.</p> <p>21 A It applies throughout.</p> <p>22 Q Are you testifying that there is no</p> <p>23 distinction between treatment and evaluation and</p> <p>24 what they have access to?</p> <p>25 MS. CANFIELD: Objection.</p>
<p style="text-align: right;">Page 343</p> <p>1 Patricia Yang</p> <p>2 Q But clearly, Dr. Kaye had been doing it</p> <p>3 for twenty years. Why was it now it was illegal?</p> <p>4 MS. CANFIELD: Objection.</p> <p>5 A It may have been illegal the entire time.</p> <p>6 Q But now they decided, all of a sudden, it</p> <p>7 is illegal. Why would it be now Mr. Alberts decides</p> <p>8 it is illegal now?</p> <p>9 MS. CANFIELD: Objection.</p> <p>10 A Because we didn't know it was going on</p> <p>11 before, and if you find something going on that is</p> <p>12 not legal, you need to act on it in my world.</p> <p>13 Q What specific statute did Mr. Alberts</p> <p>14 reference that the production of unredacted records</p> <p>15 would be illegal?</p> <p>16 MS. CANFIELD: Objection.</p> <p>17 You can answer.</p> <p>18 A If it is not here, I can't cite it.</p> <p>19 Q But you are taking his word without any</p> <p>20 legal authority or any medical authority that it is</p> <p>21 illegal; is that right?</p> <p>22 MS. CANFIELD: Objection.</p> <p>23 A I am taking the advice of counsel at MOCJ</p> <p>24 and CHS and Health and Hospitals.</p> <p>25 Q Was there a memo to this effect?</p>	<p style="text-align: right;">Page 345</p> <p>1 Patricia Yang</p> <p>2 A I don't even understand the question.</p> <p>3 Q In the 730 reports, there is reference</p> <p>4 made to defendants' prior usage of drugs and medical</p> <p>5 records. If they are redacted, how could that</p> <p>6 determination be made by the examiner?</p> <p>7 MS. CANFIELD: Objection.</p> <p>8 You can answer.</p> <p>9 A I believe, in one of your exhibits,</p> <p>10 Dr. Ford, with her forensic psychiatry experience,</p> <p>11 cites that standard is that forensic psychiatry does</p> <p>12 evaluations with the information that they have at</p> <p>13 hand.</p> <p>14 Q But in those reports, which were</p> <p>15 numerous, Dr. Kaye references medical records and</p> <p>16 the defendants' usage of drugs from the medical</p> <p>17 records. Would you say that that's a problem then?</p> <p>18 MS. CANFIELD: Objection.</p> <p>19 You can answer.</p> <p>20 Q They are not redacted. So what type of</p> <p>21 information would be redacted in medical records in</p> <p>22 that instance then?</p> <p>23 MS. CANFIELD: Objection.</p> <p>24 You can answer.</p> <p>25 A Without specific consent of the person,</p>

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1 Patricia Yang

2 the patient, or the client, substance use, mental

3 health, in general circumstances, unless court

4 ordered, and HIV are the three sacred areas.

5 Q So you are saying that they need -- these

6 defendants needed to complete and sign releases,

7 right?

8 MS. CANFIELD: Objection.

9 You can answer.

10 A Yes. I think if you had specific release

11 from the defendant, the client, the patient.

12 Q Now, Dr. Kaye also recognizes or noticed

13 that the inmates were incorrectly filling out the

14 HIPAA forms. Did you notice that?

15 MS. CANFIELD: Objection.

16 A No.

17 Q Were there ever complaints that the

18 inmates were or the defendants were completing or

19 incompletely fill out the HIPAA forms?

20 A Not that I was aware, but I am not

21 surprised.

22 Q And when she brought that to your

23 attention or anyone else's attention, had there ever

24 been any quality assurance to ensure that the forms

25 were completed correctly?

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1 Patricia Yang

2 MS. CANFIELD: Objection.

3 A The forms are completed -- if they are

4 completed correctly, we provide information.

5 Q But when Dr. Kaye pointed out that they

6 weren't all completed correctly and the information

7 was still being provided, was anything done to stop

8 that from happening?

9 MS. CANFIELD: Objection.

10 A I would say that, if it came to my

11 attention that we were releasing information

12 improperly, we would stop that. People would be

13 disciplined.

14 I think the issue here was that Dr. Kaye

15 was asking for information without consent.

16 Q But she also notified that --

17 MS. CANFIELD: All right. It is 6:30.

18 MS. HAGAN: I am going to have to ask

19 for, you know, I guess additional time then

20 and petition the court accordingly.

21 I know that you will do whatever you

22 have to do to stop it?

23 MS. CANFIELD: That's what we do.

24

25 (Continued to Include Jurat.)

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1 Patricia Yang

2 MS. HAGAN: I am going keep the record

3 open. I am keeping the deposition open.

4 (TIME NOTED: 6:32 P.M.)

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PATRICIA YANG

10 SUBSCRIBED AND SWORN TO BEFORE ME

11 THIS ____ DAY OF _____, 20__.

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NOTARY PUBLIC

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1 Patricia Yang

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NYC Health and Hospitals</p> <p>10 DATE OF DEPOSITION: 2/28/2020</p> <p>11 NAME OF DEPONENT: Patricia Yang</p> <p>12 PAGE LINE(S) CHANGE REASON</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 PATRICIA YANG</p> <p>23 SUBSCRIBED AND SWORN TO BEFORE ME</p> <p>24 THIS ____ DAY OF ____, 20__.</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> <p>112</p> <p>113</p> <p>114</p> <p>115</p> <p>116</p> <p>117</p> <p>118</p> <p>119</p> <p>120</p> <p>121</p> <p>122</p> <p>123</p> <p>124</p> <p>125</p> <p>126</p> <p>127</p> <p>128</p> <p>129</p> <p>130</p> <p>131</p> <p>132</p> <p>133</p> <p>134</p> <p>135</p> <p>136</p> <p>137</p> <p>138</p> <p>139</p> <p>140</p> <p>141</p> <p>142</p> <p>143</p> <p>144</p> <p>145</p> <p>146</p> <p>147</p> <p>148</p> <p>149</p> <p>150</p> <p>151</p> <p>152</p> <p>153</p> <p>154</p> <p>155</p> <p>156</p> <p>157</p> <p>158</p> <p>159</p> <p>160</p> <p>161</p> <p>162</p> <p>163</p> <p>164</p> <p>165</p> <p>166</p> <p>167</p> <p>168</p> <p>169</p> <p>170</p> <p>171</p> <p>172</p> <p>173</p> <p>174</p> <p>175</p> <p>176</p> <p>177</p> <p>178</p> <p>179</p> <p>180</p> 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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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